

# Journal of the House

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Thursday, May 8, 2014

At ten o'clock in the forenoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by the Speaker.

## Message from the Senate No. 68

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 864.** An act relating to capital construction and State bonding budget adjustment.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 88.** An act relating to parental rights and responsibilities involving a child conceived as a result of a sexual assault.

And has concurred therein.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

**S. 86.** An act relating to miscellaneous changes to election laws.

And has accepted and adopted the same on its part.

The Senate has considered House proposal of amendment to Senate bill entitled:

**S. 220.** An act relating to furthering economic development.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Mullin  
 Senator Baruth  
 Senator Bray.

### **Committee of Conference Appointed**

#### **S. 220**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to furthering economic development

The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Botzow of Pownal**  
**Rep. Marcotte of Coventry**  
**Rep. Kitzmiller of Montpelier**

### **Rules Suspended; Senate Proposal of Amendment Concurred in**

#### **H. 864**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to capital construction and State bonding budget adjustment

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2013 Acts and Resolves No. 51, Sec. 2 is amended to read:

Sec. 2. STATE BUILDINGS

\* \* \*

(b) The following sums are appropriated in FY 2014:

\* \* \*

(15) Renovation and replacement of state-owned assets, Tropical Storm Irene:

\* \* \*

(F) A special committee consisting of the Joint Fiscal Committee and the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions (“Special Committee”) is hereby established. If there are any material changes to the planning or funding of the Waterbury State Office Complex, the Special Committee shall meet to review and approve these changes at the next regularly scheduled meeting of the Joint Fiscal Committee or at an emergency meeting called by the Chairs of the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the Joint Fiscal Committee. The Special Committee shall be entitled to per diem and expenses as provided in 2 V.S.A. § 406.

(G) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates to the planning process for the projects described in this subdivision (b)(15), including any updates on material changes to the planning or funding of the Waterbury State Office Complex.

(H) As used in this subdivision (b)(15), a “material change” means a change to the planning or funding of the Waterbury State Office Complex that:

(i) increases the total original project cost estimate by ~~40~~ five percent or more; or

(ii) constitutes a change in plan or design.

(I) The Commissioner of Buildings and General Services, with the approval of the Secretary of Administration, is authorized to approve additional contingency spending for the Waterbury State Office Complex of less than five percent of the total original project cost estimate.

\* \* \*

(c) The following sums are appropriated in FY 2015:

\* \* \*

(2) Statewide, building reuse and planning:	\$75,000.00
(3) Statewide, contingency:	\$100,000.00
(4) Statewide, major maintenance:	<del>\$8,334,994.00</del> <u>\$8,369,994.00</u>
(5) Statewide, BGS engineering, <u>project management</u> , and architectural project costs:	<del>\$2,982,132.00</del> <u>\$3,446,163.00</u>

\* \* \*

(11) Montpelier, capitol district heat plant, 122 State Street supplemental funds: \$2,500,000.00

(12) Agency of Agriculture, Food and Markets and Agency of Natural Resources, laboratory, development of proposal for site location, programming, and design: \$300,000.00

(13) Permanent secure residential facility, proposal for siting and design (as described in Sec. 40 of this act): \$50,000.00

(14) Vergennes, Weeks School, master plan (as described in Sec. 22 of this act): \$30,000.00

(15) State House, elevator upgrades and repair: \$180,000.00

(16) Barre, 2 Spaulding Street and McFarland State Office Building, retaining wall (as described in subsection (h) of this section): \$75,000.00

(17) State House, security enhancements (as described in subsection (i) of this section): \$250,000.00

(18) State House maintenance, and enhancements, upgrades, and renovations to support the Senate, as approved by the Committee on Committees: \$100,000.00

(d) It is the intent of the General Assembly that the Commissioner of Buildings and General Services may use up to \$75,000.00 of the funds appropriated in subdivision (b)(4) of this section for the purpose of funding projects described in 2009 Acts and Resolves No. 43, Sec. 24(b), and in Sec. 49 of this act. It is also the intent of the General Assembly that the Commissioner of Buildings and General Services may:

(1) reallocate up to \$300,000.00 of the funds appropriated in subdivision (c)(4) of this section to subdivision (c)(2) of this section;

(2) use up to \$360,000.00 of the funds appropriated in subdivisions (b)(5) and (c)(5) of this section for the purpose of funding four limited service positions in the Department of Buildings and General Services created for engineering-related work pursuant to the 2013 Acts and Resolves No. 50, Sec. E.100(b)(1) (FY 2014 Appropriations Act); and

(3) use up to \$250,000.00 of the funds appropriated in subdivision (c)(5) of this section for the purpose of supporting the Department of Buildings and General Services in implementing a project management system.

\* \* \*

(f) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(2) of this section may be used for:

(1) a long-term capital plan, as described in Sec. 27 of this act;

(2) a budget and phased design plan for infrastructure improvements at 120 State Street in Montpelier; and

(3) fostering and developing a ten-year capital program plan as required by 32 V.S.A. § 701a.

(g) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(11) of this section shall not exceed the cost of construction in placing the capital district heat plant into service. It is also the intent of the General Assembly that any additional funds remaining after this construction has been completed shall be reallocated to the FY 2016 Capital Construction Act.

(h)(1) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(16) of this section shall be used by the Commissioner of Buildings and General Services to reimburse the landowner of the property located at 2 Spaulding Street in Barre once the landowner has completed the following:

(A) demolishes and removes the entire retaining wall that is located on both the landowner's property and on the State's property;

(B) demolishes and removes the house located on the landowner's property; and

(C) excavates and grades the site located on both the landowner's property and on the State's property.

(2) Notwithstanding 32 V.S.A. § 5, the Commissioner of Buildings and General Services is authorized to use any remaining funds to compensate the landowner if the landowner conveys the property located at 2 Spaulding Street in Barre by warranty deed to the State of Vermont. It is the intent of the General Assembly that the Commissioner shall not compensate the landowner for the conveyance unless the work described in subdivision (1) of this subsection is complete.

(3) It is also the intent of the General Assembly that any reimbursement of funds for work described in subdivision (1) of this subsection or compensation provided to the landowner for the conveyance shall be transferred to the landowner on or before October 1, 2014.

(4) It is also the intent of the General Assembly that any additional funds remaining shall be reallocated to the FY 2016 Capital Construction Act.

(i)(1) It is the intent of the General Assembly that the amount appropriated in subdivision (c)(17) of this section shall be used by the Commissioner of Buildings and General Services to:

(A) install a necessary raceway system with supporting wiring for the installation of a security system for the State House;

(B) install an alert system in One Baldwin Street to notify employees when an emergency alarm has been activated in the State House and when the House and the Senate are convening; and

(C) conduct trainings, assessments, and evaluations, as needed.

(2) It is also the intent of the General Assembly that the Commissioner of Buildings and General Services shall use the amount appropriated in subdivision (c)(17) to reimburse the General Assembly for retaining consultant services for trainings, assessments, and evaluations, as described in Sec. 26 of this act.

Appropriation – FY 2014		\$52,461,132.00
Appropriation – FY 2015	<del>\$45,742,126.00</del>	<u>\$49,726,157.00</u>
Total Appropriation – Section 2	<del>\$98,203,258.00</del>	<u>\$102,187,289.00</u>

Sec. 2. 2013 Acts and Resolves No. 51, Sec. 4 is amended to read:

Sec. 4. HUMAN SERVICES

\* \* \*

(b) The following sums are appropriated in FY 2015 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in this subsection:

\* \* \*

(3) Correctional facilities, suicide abatement projects at Southern State Correctional Facility and Southeast State Correctional Facility: \$200,000.00

(4) State correctional facilities, security enhancements and cameras, replacement for all facilities: \$250,000.00

(5) Southern State Correctional Facility, installation of a new security gate and security cage over camera, installation of gurney lift, and recreational yard improvements: \$90,000.00

(6) Northern State Correctional Facility, reconstruction of the kitchen and serving line to improve safety and security and to expand kitchen space to allow increased serving capacity: \$160,000.00

(7) Woodside Juvenile Rehabilitation Center, installation of new security fencing to support program and provide a more secure setting: \$181,000.00

\* \* \*

Appropriation – FY 2014		\$5,200,00.00
Appropriation – FY 2015	<del>\$6,100,000.00</del>	<u>\$6,981,000.00</u>
Total Appropriation – Section 4	<del>\$11,300,000.00</del>	<u>\$12,181,000.00</u>

Sec. 3. 2013 Acts and Resolves No. 51, Sec. 5 is amended to read:

Sec. 5. JUDICIARY

\* \* \*

(c) The sum of \$40,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services on behalf of the Judiciary for the planning and monitoring of the Caledonia courthouse wall stabilization and foundation project currently under design.

(d) The sum of \$88,000.00 is appropriated in FY 2015 to the Judiciary and directed to the Windsor County courthouse for funding ADA compliance, life safety requirements, electrical device redundancy, and teledata components and wiring.

(e) It is the intent of the General Assembly that any amounts appropriated under this section shall not alter the Judiciary's capital construction priority list.

<u>Appropriation – FY 2014</u>		<u>\$1,000,000.00</u>
<u>Appropriation – FY 2015</u>		<u>\$2,628,000.00</u>
Total Appropriation – Section 5	<del>\$3,500,000.00</del>	<u>\$3,628,000.00</u>

Sec. 4. 2013 Acts and Resolves No. 51, Sec. 6 is amended to read:

Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

\* \* \*

(c) The following sum is appropriated in FY 2014 to the Department of Buildings and General Services for the Battle of Cedar Creek and Winchester

Memorials, ~~relocation~~ design and replication, and placement of roadside marker: ~~\$25,000.00~~ \$35,000.00

\* \* \*

(e) The following sums are appropriated in FY 2015 to the Agency of Commerce and Community Development for the following projects:

\* \* \*

(3) Justin Morrill State site, Strafford, siding repair, stair modifications to allow a second means of egress, and a conditions assessment: \$28,000.00

Appropriation – FY 2014	<del>\$440,000.00</del> <u>\$450,000.00</u>
Appropriation – FY 2015	<del>\$250,000.00</del> <u>\$288,000.00</u>
Total Appropriation – Section 6	<del>\$690,000.00</del> <u>\$728,000.00</u>

Sec. 5. 2013 Acts and Resolves No. 51, Sec. 8 is amended to read:

Sec. 8. EDUCATION

\* \* \*

(b) The sum of ~~\$10,411,446~~ \$10,354,690.00 is appropriated in FY 2015 to the Agency of Education for funding the ~~state~~ State share of completed school construction projects pursuant to 16 V.S.A. § 3448. ~~It is the intent of the General Assembly that the funds appropriated in this subsection are committed funds not subject to budget adjustment.~~

Appropriation – FY 2014	\$6,704,634.00
Appropriation – FY 2015	<del>\$10,411,446.00</del> <u>\$10,354,690.00</u>
Total Appropriation – Section 8	<del>\$17,116,080.00</del> <u>\$17,059,324.00</u>

Sec. 6. 2013 Acts and Resolves No. 51, Sec. 11 is amended to read:

Sec. 11. NATURAL RESOURCES

\* \* \*

(b) The following sums are appropriated to the Agency of Natural Resources in FY 2015 for:

(1) the Water Pollution Control Fund for the following projects:

(A) Clean Water State/EPA Revolving Loan Fund (CWSRF) match:

~~\$700,000.00~~ \$1,114,000.00

\* \* \*



(2) the Drinking Water Supply for the following projects:

\* \* \*

(C) EcoSystem restoration and protection:

~~\$2,073,732.00~~ \$2,573,732.00

(D) Waterbury waste treatment facility for phosphorous removal:

\$300,000.00

\* \* \*

(4)(A) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for statewide small scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation projects: \$2,000,000.00

(B) the Agency of Natural Resources for the Department of Forests, Parks and Recreation for the purchase of easements and trail improvements on behalf of the Green Mountain Club:

\$122,197.00

(5) the Department of Fish and Wildlife for the following projects:

(A) general infrastructure projects: \$1,000,000.00

(B) Lake Champlain Walleye Association, Inc. to upgrade and repair the walleye rearing, restoration, and stocking infrastructure: \$25,000.00

\* \* \*

Appropriation – FY 2014	\$13,772,550.00
Appropriation – FY 2015	<del>\$7,881,732.00</del> <u>\$9,242,929.00</u>
Total Appropriation – Section 11	<del>\$21,654,282.00</del> <u>\$23,015,479.00</u>

Sec. 7. 2013 Acts and Resolves No. 51, Sec. 12 is amended to read:

Sec. 12. MILITARY

(a) The sum of \$750,000.00 is appropriated in FY 2014 to the Department of Military for land acquisition, new construction, maintenance, ADA compliance, and renovations at state armories. To the extent feasible, these funds shall be used to match federal funds.

(b) The sum of ~~\$500,000.00~~ \$550,000.00 is appropriated in FY 2015 for the purpose described in subsection (a) of this section.

Appropriation – FY 2014 \$750,000.00

Appropriation – FY 2015 \$550,000.00

Total Appropriation – Section 12 ~~\$1,250,000.00~~ \$1,300,000.00

Sec. 8. 2013 Acts and Resolves No. 51, Sec. 13 is amended to read:

Sec. 13. PUBLIC SAFETY

\* \* \*

(f) The sum of \$36,000.00 is appropriated in FY 2015 to the Department of Public Safety to provide evidence storage units for the Vermont State Police to acquire accreditation through the Commission on Accreditation for Law Enforcement (CALEA) at existing barracks not yet renovated: \$36,000.00

(g) The sum of \$50,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services to contract with an independent third party to develop, in consultation with all interested stakeholders, an operational governance and planning model for the operation, financial integrity, and maintenance of the Robert H. Wood Criminal Justice and Fire Service Training Council in Pittsford. As part of the development of the governance and planning model, it is the intent of the General Assembly that the Commissioner of Buildings and General Services reexamine any lease agreements entered into pursuant to authority granted by 2008 Acts and Resolves No. 200, Sec. 32(e) and 2009 Acts and Resolves No. 43, Sec. 48 conveying land and mineral rights located at the Robert H. Wood, Jr. Criminal Justice and Fire Service Training Council. On or before January 15, 2015, the Department of Buildings and General Services shall submit this plan to the House Committee on Corrections and Institutions and the Senate Committee on Institutions: \$50,000.00

Appropriation – FY 2014 \$3,600,000.00

Appropriation – FY 2015 ~~\$3,400,000.00~~ \$3,486,000.00

Total Appropriation – Section 13 ~~\$7,000,000.00~~ \$7,086,000.00

Sec. 9. 2013 Acts and Resolves No. 51, Sec. 17 is amended to read:

Sec. 17. VERMONT VETERANS' HOME

\* \* \*

(e) The sum of \$435,000.00 is appropriated in FY 2015 to the Department of Buildings and General Services for the Vermont Veterans' Home to be used to match federal funds for kitchen renovations. The amount appropriated in this subsection shall be used in conjunction with the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 19(b) to the Department of Buildings and

General Services for the Vermont Veterans' Home to design an upgrade of the kitchen and dietary storage areas to be code compliant and to improve the food preparation and delivery systems.

Appropriation – FY 2014 \$1,216,000.00

Appropriation – FY 2015 \$435,000.00

Total Appropriation – Section 17 ~~\$1,216,000.00~~ \$1,651,000.00

Sec. 10. 2013 Acts and Resolves No. 51, Sec. 18a is amended to read:

Sec. 18a. ENHANCED 911 PROGRAM

\* \* \*

(b) ~~The sum of \$10,000.00 is appropriated in FY 2015 for the project described in subsection (a) of this section. [Repealed.]~~

\* \* \*

Total Appropriation – Section 18a ~~\$20,000.00~~ \$10,000.00

Sec. 11. 2013 Acts and Resolves No. 51, Sec. 19 is amended to read:

Sec. 19. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

\* \* \*

(e) The following sums are reallocated to defray expenditures authorized in this act:

(1) of the amount appropriated in 1991 Acts and Resolves No. 93, Sec. 11 (drinking water supply projects): \$5,062.78

(2) of the amount appropriated in 2002 Acts and Resolves No. 149, Sec. 15 (State's Attorneys and Sheriffs, case management software system): \$54,877.31

(3) of the amount appropriated in 2004 Acts and Resolves No. 121, Sec. 10 (Fish and Wildlife, species recovery plan): \$82.63

(4) of the amount appropriated in 2005 Acts and Resolves No. 43, Sec. 9 (State-owned dams, maintenance): \$0.19

(5) of the amount appropriated in 2006 Acts and Resolves No. 147, Sec. 10 (State-owned dams, maintenance): \$18,934.32

(6) of the amount appropriated in 2006 Acts and Resolves No. 147, Sec. 3 (Health and Public Safety Lab): \$985.58

(7) of the amount appropriated in 2007 Acts and Resolves, No. 52, Sec. 3 (Health and Public Safety Lab): \$93,006.05

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<u>(8) of the amount appropriated in 2008 Acts and Resolves No. 200, Sec. 3 (co-location of Health and Forensic Lab):</u>	<u>\$13,163.00</u>
<u>(9) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 1 (State buildings, major maintenance and various projects):</u>	<u>\$24,914.89</u>
<u>(10) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Fish hatcheries, biosecurity):</u>	<u>\$38.27</u>
<u>(11) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Montpelier flood control):</u>	<u>\$42,273.30</u>
<u>(12) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Statewide, major maintenance):</u>	<u>\$11,656.44</u>
<u>(13) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Waterbury, State office complex, fire alarm panels and door holders):</u>	<u>\$38,590.72</u>
<u>(14) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 1 (Bennington State Office Building, geothermal energy project):</u>	<u>\$96,277.59</u>
<u>(15) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 8 (Austine School, Holton Hall, renovations):</u>	<u>\$11,962.03</u>
<u>(16) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 9 (Ecosystem restoration and protection):</u>	<u>\$7,000.00</u>
<u>(17) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 12 (Lamprey Control Project):</u>	<u>\$0.40</u>
<u>(18) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 12 (Montpelier flood control):</u>	<u>\$175,201.00</u>
<u>(19) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 12 (Water pollution control projects):</u>	<u>\$0.01</u>
<u>(20) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 14 (Waterbury, Public Safety headquarters, repairs):</u>	<u>\$11,757.61</u>
<u>(21) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 26 (Springfield, municipal water system):</u>	<u>\$200,000.00</u>
<u>(22) of the amount appropriated in 2010 Acts and Resolves No. 161, Sec. 20 (Center for Crime Victim Services):</u>	<u>\$344.31</u>
<u>(23) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (Statewide buildings, reuse and planning):</u>	<u>\$32,497.59</u>

(24) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (Statewide buildings, statewide contingency): \$1,473.51

(25) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (Statewide buildings, major maintenance): \$53,676.67

(26) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State buildings, 120 State Street, restroom renovations): \$1,960.39

(27) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State buildings, St. Albans, Northwest Correctional Facility, maintenance shop): \$5,360.00

(28) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State buildings, statewide, engineering and architectural costs): \$95,639.98

(29) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 12 (ecosystem restoration and protection): \$12,468.06

(30) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 12 (Department of Forest, Parks, and Recreation, projects): \$64.47

(31) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 20 (Center for Crime Victim Services): \$4,270.00

(32) of the amount appropriated in 2011 Acts and Resolves No. 40, Sec. 2 (State House committee rooms): \$7,337.97

(33) of the amount appropriated in 2012 Acts and Resolves No. 104, Sec. 7 (Regional economic development grants): \$2,000.00

(34) of the amount appropriated in 2012 Acts and Resolves No. 104, Sec. 9 (Review of Vermont State Police facilities): 30,602.86

Total Reallocations and Transfers – Section 19 \$5,728,049.74 \$6,781,529.67

Sec. 12. 2013 Acts and Resolves No. 51, Sec. 20 is amended to read:

Sec. 20. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

\* \* \*

(c) The State Treasurer is authorized to issue additional general obligation bonds in the amount of \$5,842,992.21 that were previously authorized but unissued under 2013 Acts and Resolves No. 51, Sec. 20(a) for FY 2014 for the purpose of funding the appropriations of this act.

Total Revenues – Section 20 \$167,503,320.00 \$173,346,312.21

Sec. 13. 2013 Acts and Resolves No. 51, Sec. 21 is amended to read:

Sec. 21. SALE OF BUILDING 617 IN ESSEX; USE OF PROCEEDS

The proceeds from the sale of Building 617 in Essex shall be allocated to the Department of Buildings and General Services and used to defray FY 2014 expenditures in Sec. 2 of this act. To the extent such use of proceeds results in a like amount of general obligation bonds authorized in Sec. 20 of this act for Sec. 2 to remain unissued at the end of FY 2014, then such unissued amount of bonds shall remain authorized to be issued in FY 2015 ~~to provide additional funding for the Waterbury State Office Complex and such amount shall be appropriated in FY 2015 to Sec. 2(c)(10) of this act.~~

\* \* \* Policy \* \* \*

\* \* \* Buildings and General Services \* \* \*

Sec. 14. 2012 Acts and Resolves No. 104, Sec. 1(a) is amended to read:

(a) Damage to ~~state-owned~~ State-owned assets and infrastructure caused by Tropical Storm Irene on August 28, ~~2012~~ 2011 made necessary some of the reallocations and appropriations contained in this act.

Sec. 15. ART IN STATE BUILDINGS PROGRAM; REVIEW OF GUIDELINES AND PROCEDURES

(a) The Commissioner of Buildings and General Services and the Vermont Council on the Arts, Inc. shall evaluate the effectiveness of the current guidelines and procedures for the Art in State Buildings Program, including the use of program terms and whether modified or new guidelines or procedures are required.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services and the Vermont Council on the Arts, Inc. shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the results of the evaluation described in subsection (a) of this section.

Sec. 16. 2012 Acts and Resolves No. 104, Sec. 2(f) is amended to read:

(f)(1) Option B of the of the Freeman, French, Freeman report published on March 9, 2012 aligns closely with the ~~general assembly's~~ General Assembly's vision for the Waterbury Complex. However, the ~~general assembly~~ General Assembly believes that Option B could be modified to achieve a cost savings to Vermonters. On or before June 1, 2012, the ~~department of buildings and general services~~ Department of Buildings and General Services shall present a modified design proposal, including proposals under subdivision (4) of this

subsection (f) to the ~~house committee on corrections and institutions~~ House Committee on Corrections and Institutions, the ~~senate committee on institutions~~ Senate Committee on Institutions, and the ~~special committee~~ Special Committee described in this subsection.

\* \* \*

(4) The ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services is authorized to take certain actions before formal approval of the design. Therefore, notwithstanding 29 V.S.A. § 152(a)(6), 165, or 166 or any other provision of law, in addition to producing a design, permitting, and applying for federal aid, upon passage of this act, the ~~commissioner of buildings and general services~~ Commissioner of Buildings and General Services may:

(A) lease, sell, lease purchase, subdivide, redevelop for State use, or donate the following buildings within the Waterbury Complex in their current condition: Stanley and Wasson, 121 South Main Street, 123 South Main Street, 5 Park Row, 43 Randall Street, and their improvements.

\* \* \*

Sec. 17. 2011 Acts and Resolves No. 40, Sec. 26(c) is amended to read:

(c) ~~The commissioner of buildings and general services is authorized to sell the Vermont health laboratory at 195 Colchester Avenue in Burlington pursuant to 29 V.S.A. § 166.~~ The Commissioner of Buildings and General Services is authorized to do any or all of the following with respect to the Vermont health laboratory located at 195 Colchester Avenue in Burlington:

(1) investigate all potential uses of the land and building, including redeveloping the land, provided that it is consistent with existing deed covenants; and

(2) enter into agreements and execute any necessary documentation to release or extinguish any of the existing deed covenants.

Sec. 18. REPEAL; USE AND DEVELOPMENT OF STATE FACILITIES AND LAND; SPRINGFIELD CORRECTIONAL FACILITY

2010 Acts and Resolves No. 161, Sec. 26(c)(2)(improvements and upgrades to the municipal water system at the Springfield Correctional Facility) is repealed.

Sec. 19. 2013 Acts and Resolves No. 51, Sec. 25 is amended to read:

Sec. 25. BATTLE OF CEDAR CREEK AND WINCHESTER  
MEMORIALS

(a) The Commissioner of Buildings and General Services is authorized to use the appropriation in Sec. 6(c)(1) of this act for capital expenses associated with the placement of a Vermont historical roadside marker at the Cedar Creek Battlefield in Virginia, and the relocation design and replication of the Battle of Winchester Memorial to at its original location on the Third Winchester Battlefield in Virginia, and. The Department of Buildings and General Services, or its agent, shall supervise the installation of the roadside marker and the Memorial.

(b) The Commissioner of Buildings and General Services is further authorized to use the appropriation in Sec. 6(c)(1) of this act for capital expenses associated with the completion of the projects described in subsection (a) of this section for reimbursement to the Civil War Trust, the State of Virginia, and the United States Veterans Administration for any capital expenses associated with the completion of these projects, the Cedar Creek Battlefield Foundation, and any other entity engaged by the Department of Buildings and General Services to assist with the roadside marker or the Memorial.

(c) As used in this section, Capital capital expenses associated with the placement of the roadside marker or the relocation replication of the Memorial may include site acquisition, planning, design, transportation of the Memorial, and any other reasonably related costs.

Sec. 20. SALISBURY CHURCH

The General Assembly finds that the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury, and described in the warranty deed dated December 8, 1980 between Alan S. Farwell and the Salisbury Congregational United Church of Christ, has little or no value to the State of Vermont, and would require additional operational funds to maintain or sell. Therefore, notwithstanding 32 V.S.A. § 5, the General Assembly:

(1) disclaims any existing or future interest in the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury; and

(2) authorizes the Commissioner of Buildings and General Services to execute a quitclaim deed to transfer any existing or future interest in the former parsonage and land located at 1941 West Shore Road in the Town of Salisbury to the Salisbury Congregational United Church of Christ.



Sec. 21. 2009 Acts and Resolves No. 43, Sec. 25 is amended to read:

Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

\* \* \*

~~(e) Pursuant to 29 V.S.A. § 166(b), the commissioner of buildings and general services is authorized to subdivide land at the former Weeks school in Vergennes in order to sell the Arsenal and Fairbanks buildings. The commissioner may use proceeds from the sale to enhance the value of the remaining former Weeks school property. [Repealed.]~~

\* \* \*

Sec. 22. WEEKS SCHOOL; VERGENNES; MASTER PLAN

(a) The Commissioner of Buildings and General Services shall contract with an independent third party to develop a master plan for the former Weeks School property located in the City of Vergennes and the Town of Ferrisburgh. In developing the master plan, the independent third party shall consult with the City of Vergennes, the Town of Ferrisburgh, local and regional organizations, and affected State agencies and landowners. The master plan shall include an evaluation of whether the property may be subdivided and sold, and for what purposes it may be used.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services shall provide an update on the plan described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 23. 29 V.S.A. § 157 is amended to read:

§ 157. FACILITIES CONDITION ANALYSIS

(a) The Commissioner of Buildings and General Services shall:

\* \* \*

(2) conduct a facilities condition analysis each year of ~~20~~ ten percent of the building area and infrastructure under the Commissioner's jurisdiction so that within ~~five~~ ten years all property is assessed. At the end of the ~~five~~ ten years, the process shall begin again. The analysis conducted pursuant to this subsection shall include the thermal envelope of buildings and a report on the annual energy consumption and energy costs and recommendations for reducing energy consumption.

(b) The Commissioner may use up to two percent of the funds appropriated to the Department of Buildings and General Services for major maintenance and planning for the purpose described in subsection (a) of this section.

Sec. 24. FACILITIES CONDITIONS ANALYSIS; USE OF FY 2015 FUNDS

The Commissioner of Buildings and General Services may use the funds appropriated to the Department of Buildings and General Services for major maintenance and planning and allocated to conducting a facilities conditions analysis under 29 V.S.A. § 157(b) for Sec. 27(a)(2) of this act.

Sec. 25. DEDICATION OF SENATOR SALLY FOX CONFERENCE AREA IN THE WATERBURY STATE OFFICE COMPLEX

(a) Purposes. It is the intent of the General Assembly to honor the work of the late Senator Sally Fox, who served in the Vermont House of Representatives from 1986 to 2000 and in the Vermont Senate from 2010 to 2014. She spent her entire career working on human services policy issues and was widely recognized as one of Vermont's leading advocates for the clients of the Agency of Human Services.

(b) Dedication. In acknowledgement of Senator Fox's years of public service to the State of Vermont and the countless hours she dedicated to working on human services policy in the former Waterbury State Office Complex, the Commissioner of Buildings and General Services and the Secretary of Human Services shall name one of the main conference areas or conference rooms at the new office space of the Agency of Human Services in the Waterbury State Office Complex in the name of Senator Fox.

\* \* \* Security \* \* \*

Sec. 26. CAPITOL COMPLEX SECURITY; WORKING GROUP; REVIEW

(a) Creation. There is created a working group for the purpose of assessing security in the Capitol Complex. The Working Group may authorize or retain consultant services to conduct a review and prepare a report on security in the Capitol Complex, including reviewing current security arrangements and governance options, and identifying possible security enhancements. Any consultants retained pursuant to this subsection shall work through the Joint Fiscal Office under the direction of the Chair of the Working Group.

(b) Membership.

(1) The Working Group shall be composed of the following members:

(A) the Lieutenant Governor;

(B) the Commissioner of Buildings and General Services or designee;

(C) a representative of the Capitol Police;

(D) the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions;

(E) the Sergeant at Arms; and

(F) the Court Administrator or designee.

(2) The Lieutenant Governor shall be the Chair of the Working Group and shall convene meetings.

(3) The Working Group shall have the assistance of the staff of the Office of Legislative Council and the Joint Fiscal Office.

(4) The Joint Fiscal Office, in consultation with the Speaker of the House and the Committee on Committees, shall hire one or more consultants to undertake the security review authorized by this section.

(c) Funding. The working group is authorized to use funds appropriated in Sec. 1(c)(17) of this act to retain consultant services pursuant to subsection (a) of this section. It is the intent of the General Assembly that any remaining funds shall be reallocated to the FY 2016 Capital Construction Act for the purpose of implementing the recommendations contained in the security report. Any remaining funds shall only be appropriated to implement a recommendation with authorization of the General Assembly.

\* \* \* Capital Planning and Finance \* \* \*

#### Sec. 27. LONG-TERM CAPITAL PLAN

(a) The Commissioner of Buildings and General Services is authorized to use funds appropriated in 2013 Acts and Resolves No. 51, Sec. 2(c)(2) to develop a long-term capital plan for space utilization in the Capitol Complex and in State-owned and leased buildings in surrounding areas. The plan shall include:

(1) an evaluation of the full and efficient occupancy of State-owned and leased buildings;

(2) a facilities conditions analysis of up to ten percent of the total building square footage within the Capitol Complex, as may be required; and

(3) an evaluation of the space needs of the State Auditor.

(b) The Commissioner of Buildings and General Services shall present the results of the long-term capital plan described in subsection (a) of this section as part of the ten-year capital plan required by 32 V.S.A. § 701a.

Sec. 28. 32 V.S.A. § 701a(d) is amended to read:

(d) On or before ~~October~~ January 15, each entity to which spending authority has been authorized by a capital construction act enacted in a legislative session that was two or more years prior to the current legislative session shall submit to the ~~Department of Buildings and General Services~~ House Committee on Corrections and Institutions and the Senate Committee on Institutions a report on the ~~status~~ current fund balances of each authorized project with unexpended funds. ~~The report shall follow the form provided by the Department of Buildings and General Services and shall include details regarding how much of the appropriation has been spent, how much of the appropriation is unencumbered, actual progress in meeting the goals of the project, and any impediments to completing the project on time and on budget. The Department may request additional or clarifying information regarding each project. On or before January 15, the Department shall present the information collected to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.~~

Sec. 29. CAPITAL PLANNING CAPABILITIES

(a) The Commissioner of Buildings and General Services and the Commissioner of Finance and Management, in consultation with the Joint Fiscal Office, shall evaluate options for the State's capital planning capabilities in order to improve transparency and accountability for authorized capital construction projects and opportunities to develop a long-term statewide capital planning application in accordance with 32 V.S.A. § 701a.

(b) On or before January 15, 2015, the Commissioner of Buildings and General Services shall present the results of the evaluation described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Sec. 30. FIT-UP COSTS; DEFINITION AND PROCEDURES

On or before July 15, 2014, the Commissioner of Buildings and General Services shall develop and implement procedures for defining and allocating responsibility for fit-up costs in future construction of State-owned buildings and leased space.

\* \* \* Administration \* \* \*

Sec. 31. 3 V.S.A. § 2293(b) is amended to read:

(b) Development Cabinet. A Development Cabinet is created, to consist of the Secretaries of the Agencies of Administration, ~~of Natural Resources, of Commerce and Community Affairs, of Transportation, and~~ of Agriculture,

Food and Markets, of Commerce and Community Development, of Education, of Natural Resources, and of Transportation. The Governor or the Governor's designee shall chair the Development Cabinet. The Development Cabinet shall advise the Governor on how best to implement the purposes of this section, and shall recommend changes as appropriate to improve implementation of those purposes. The Development Cabinet may establish interagency work groups to support its mission, drawing membership from any agency or department of State government. Any interagency work groups established under this subsection shall evaluate, test the feasibility of, and suggest alternatives to economic development proposals, including proposals for public-private partnerships, submitted to them for consideration. The Development Cabinet shall refer to appropriate interagency workgroups any economic development proposal that has a significant impact on the inventory or use of State land or buildings.

\* \* \* Agency of Agriculture, Food and Markets \* \* \*

Sec. 32. 24 V.S.A. § 5608 is added to read:

§ 5608. AGRICULTURAL FAIRS AND FIELD DAYS CAPITAL PROJECTS COMPETITIVE GRANTS PROGRAM

(a) Grant guidelines. The following guidelines shall apply to capital grants made for Vermont agricultural fairs and field days projects pursuant to this section:

(1) Grants shall be competitively awarded to capital projects that relate to Vermont agricultural fairs and field days operating a minimum of three consecutive, eight-hour days per year.

(2) A project for which a grant is awarded shall have a minimum useful life of 20 years and shall be completed within two years of the execution of a contract to perform work authorized by the grant.

(3) A grant recipient shall contribute matching funds or in-kind services in an amount equal to 15 percent or more of the value of the grant.

(b) There is established an Agricultural Fairs and Field Days Capital Program Advisory Committee to administer and coordinate grants made pursuant to this section. The Committee shall include:

(1) two members appointed by the Secretary of Agriculture, Food and Markets;

(2) one member appointed by the Commissioner of Forests, Parks and Recreation;

(3) two members appointed by the Vermont Fair and Field Days Association;

(4) one member appointed by the Vermont Department of Tourism and Marketing;

(5) one member of the Vermont Senate appointed by the Committee on Committees; and

(6) one member of the Vermont House of Representatives appointed by the Speaker of the House.

(c) Administration.

(1) The Advisory Committee created in subsection (b) of this section shall have the authority to award grants in its sole discretion; provided, however, that the Committee may consider whether to award partial awards to all applicants that meet Program criteria established by the Committee.

(2) The Agency of Agriculture, Food and Markets shall provide administrative and technical support to the Committee for purposes of administering grants awarded under this section.

\* \* \* Agency of Agriculture, Food and Markets and  
Agency of Natural Resources \* \* \*

Sec. 33. LABORATORY; PROPOSAL

(a) On or before August 15, 2014, the Department of Buildings and General Services, the Agency of Agriculture, Food and Markets, and the Agency of Natural Resources shall submit a site location proposal for a shared laboratory to the House Committee on Corrections and Institutions and the Senate Committee on Institutions. It is the intent of the General Assembly that when evaluating site locations, preference shall be given to State-owned property.

(b) With approval of the Speaker of the House and the President Pro Tempore, as appropriate, the House Committee on Corrections and Institutions and the Senate Committee on Institutions may meet up to one time when the General Assembly is not in session to evaluate the proposal described in subsection (a) of this section and make a recommendation on the site location to the Joint Fiscal Committee. The Committees shall notify the Commissioner of Buildings and General Services, the Secretary of Agriculture, Food and Markets, and the Secretary of Natural Resources prior to holding a meeting pursuant to this subsection. Committee members shall be entitled to receive a per diem and expenses as provided in 2 V.S.A. § 406.

(c) The Joint Fiscal Committee shall review the recommendation of the Committees described in subsection (b) of this section at its September 2014 meeting. If the Joint Fiscal Committee so determines, it shall approve the proposal as recommended by the Committees.

(d) On or before December 1, 2014, the Department of Buildings and General Services, in consultation with the Agency of Agriculture, Food and Markets and the Agency of Natural Resources, shall develop a detailed proposal on the site location recommended by the Committees if approved by the Joint Fiscal Committee. The proposal shall include programming, size, design, and preliminary cost estimates for a shared laboratory. The proposal shall also include an evaluation of the current Agency of Agriculture, Food and Markets and the Agency of Natural Resources programs located in the leased space at 322 Industrial Lane in Berlin. The Department of Buildings and General Services is authorized to use funds appropriated in 2013 Acts and Resolves No. 51, Sec. 2, as amended by Sec. 1 of this act, for any costs associated with the proposal.

(e) The Commissioner of Buildings and General Services shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions at least monthly of updates on the proposals described in subsections (a) and (d) of this section.

\* \* \* Education \* \* \*

#### Sec. 34. ENHANCED 911 PROGRAM; IMPLEMENTATION IN SCHOOL DISTRICTS

(a) The Enhanced 911 Board, in consultation with the Agency of Education, shall conduct a Statewide assessment in each school district to determine the needs for compliance with the Enhanced 911 Program.

(b) On or before January 15, 2015, the Enhanced 911 Board shall report the results of the assessment described in subsection (a) of this section to the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

\* \* \* Human Services \* \* \*

Sec. 35. 2013 Acts and Resolves No. 51, Sec. 40 is amended to read:

#### Sec. 40. SECURE RESIDENTIAL FACILITY

Pursuant to the Level 1 Psychiatric Care Evaluation required by the ~~Fiscal Year~~ fiscal year 2014 Appropriations Act, Sec. E.314.2, the Commissioner of Buildings and General Services, in consultation with the Commissioners of

Mental Health and Corrections, shall develop a proposal to establish a permanent secure residential facility no later than January 15, 2015.

Sec. 36. VERMONT PSYCHIATRIC CARE HOSPITAL; CERTIFICATE OF NEED; FEDERAL MATCH

The Commissioner of Buildings and General Services is authorized to transfer the sum of \$447,928.05 from the amount authorized in 2013 Acts and Resolves No. 51, Sec. 2(b)(15)(A) to the Agency of Human Services if State funding is required to match federal funds for eligible project costs required under the Certificate of Need for the Vermont Psychiatric Care Hospital.

\* \* \* Judiciary \* \* \*

Sec. 37. COUNTY COURTHOUSES; PLAN

(a) Pursuant to the restructuring of the Judiciary in 2009 Acts and Resolves No. 154, the Court Administrator and the Commissioner of Buildings and General Services shall evaluate the scope of the State's responsibility for maintaining county courthouses, including Americans with Disabilities Act (ADA) compliance and whether an emergency fund is necessary for construction or renovation projects at county courthouses.

(b) On or before January 15, 2015, the Judiciary shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the results of the evaluation.

\* \* \* Public Safety \* \* \*

Sec. 38. 2013 Acts and Resolves No. 51, Sec. 48 is amended to read:

Sec. 48. PUBLIC SAFETY FIELD STATION PROJECT

The Department of Buildings and General Services, in consultation with the Department of Public Safety, is authorized to use appropriations in Sec. 13 of this act to conduct feasibility studies, and identify and purchase land for future public safety field station sites. If the Department of Buildings and General Services proposes to purchase property when the General Assembly is not in session, the Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions of the proposal. In the event that land is identified for Troop B of the Vermont State Police, then the Department of Public Safety shall hold public meetings in the affected communities for public input on the proposal. The Department of Public Safety shall notify the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the results of the meeting when the General Assembly is in session, and the



Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions when the General Assembly is not in session. The General Assembly encourages the affected communities to contact the Department of Public Safety to review any proposals as they develop.

Sec. 39. VERMONT STATE POLICE; SALE OF WEST BRATTLEBORO AND ROCKINGHAM BARRACKS

The Commissioner of Buildings and General Services is authorized to sell the West Brattleboro Troop Headquarters in the Town of West Brattleboro and the Rockingham Troop Headquarters in the Town of Rockingham. The net proceeds of any sale shall be reallocated to the Department of Public Safety for the purposes described in 2013 Acts and Resolves No. 51, Sec. 13(d).

\* \* \* Energy Use on State Properties \* \* \*

Sec. 40. ENERGY EFFICIENCY; STATE LEASES

The Commissioner of Buildings and General Services shall develop a set of criteria and guidelines to evaluate and, where appropriate, incorporate the use of energy efficiency measures, thermal energy conservation measures, and renewable energy resources in buildings and facilities leased by the State.

Sec. 41. 29 V.S.A. § 168 is amended to read:

§ 168. STATE RESOURCE ENERGY MANAGEMENT PROGRAM; REVOLVING FUNDS

(a) Resource State energy management program. ~~The~~

(1) There is established within the Department ~~shall be responsible of~~ Buildings and General Services an Energy Management Program for administering the interest of the State in all ~~resource conservation~~ energy management measures in State buildings and facilities, including equipment replacement, studies, weatherization, ~~and~~ construction of improvements affecting the use of energy resources, the implementation of energy efficiency and conservation measures, and the use of renewable resources.

(2) The Energy Management Program shall be implemented through two revolving funds used to finance energy management measures in State buildings and facilities. Pursuant to subsections (b) and (c) of this section, the State Resource Management Revolving Fund shall provide revenue for implementation of resource conservation measures, and the Energy Revolving Fund shall provide funding for energy efficiency improvements and the use of renewable resources. The Commissioner of Buildings and General Services shall establish guidelines for the provision of funding for energy management measures through these revolving funds.

(3) All ~~resource conservation energy management~~ measures taken for the benefit of departments or agencies to which this section applies pursuant to this section shall, ~~beginning on July 1, 2004~~, be made and executed by and in the name of the Commissioner.

(b) State Resource Management Revolving Fund.

(1) There is established a Resource Management Revolving Fund to provide revenue for implementation of resource conservation measures anticipated to generate a life cycle cost benefit to the State. All State agencies responsible for development and operations and maintenance of State infrastructure shall have access to the Resource Management Revolving Fund on a priority basis established by the Commissioner.

(2) The Fund shall consist of:

(A) ~~Monies monies~~ appropriated to the Fund, or which are paid to it under authorization of the Emergency Board.;

(B) ~~Monies monies~~ saved by the implementation of resource management conservation measures.;

(C) ~~Fees fees~~ for administrative costs paid by departments and agencies, which shall be fixed by the Commissioner subject to the approval of the Secretary of Administration.

(D) ~~[Deleted.]~~ [Repealed.]

(3) Monies from the Fund shall be expended by the Commissioner for resource conservation measures anticipated to generate a life cycle cost benefit to the State and all necessary costs involved with the administration of State agency energy planning as determined by the Commissioner.

(4) The Commissioner shall establish criteria to determine eligibility for funding of resource conservation measures.

(5) Agencies or departments receiving funding shall repay the Fund through their regular operating budgets according to a schedule established by the Commissioner. Repayment shall include charges of fees for administrative costs over the term of the repayment.

(6) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

(7) The Commissioner of ~~Buildings and General Services~~ shall maintain accurate and complete records of all receipts by and expenditures from the Fund.

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(8) All balances remaining at the end of a fiscal year shall be carried over to the following year.

(c) Energy Revolving Fund.

(1) There is established an Energy Revolving Fund to finance energy efficiency improvements and the use of renewable resources in State buildings and facilities anticipated to generate a cost-savings to the State. State agencies and departments shall have access to the Energy Revolving Fund on a priority basis established by the Commissioner and the State Treasurer.

(2) The Fund shall consist of:

(A) monies appropriated to the Fund or which are paid to it under authorization of the Emergency Board;

(B) monies saved by the implementation of energy efficiency improvements and the use of renewable resources;

(C) any funds available through a credit facility maintained by the State Treasurer in accordance with subsection (d) of this section; and

(D) fees for administrative costs paid by departments and agencies, which shall be fixed by the Commissioner subject to the approval of the Secretary of Administration.

(3) Monies from the Fund shall be expended by the Commissioner for measures anticipated to generate a cost-savings to the State and costs involved with the administration of the State agency energy plan as determined by the Commissioner.

(4) The Commissioner and the State Treasurer shall establish criteria to determine eligibility for funding of energy efficiency improvements and the use of renewable resources, including returns of investment on terms acceptable to the State Treasurer.

(5) Agencies and departments receiving funding shall repay the Fund through their regular operating budget according to a schedule established by the Commissioner. Repayment shall include charges of fees for administrative costs over the term of the repayment.

(6) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

(7) The Commissioner of Buildings and General Services shall maintain accurate and complete records of all receipts by and expenditures from the Fund.

(8) All balances remaining at the end of a fiscal year shall be carried over to the following year; provided, however, that any amounts received in repayment of the credit facility established under subsection (d) of this section may be reinvested by the State Treasurer.

(d) Notwithstanding any other provision of law to the contrary, the State Treasurer, working in collaboration with the Department of Buildings and General Services, shall have the authority to establish a credit facility of up to \$8,000,000.00, on terms acceptable to the State Treasurer. The credit facility shall be used for the purpose of financing energy efficiency improvements and the use of renewable resources anticipated to generate a cost-savings to the State.

(e) As used in this section:

(1) "Energy efficiency improvement" shall mean a set of measures aimed at reducing the energy used by specific end-use devices and systems to provide light, heat, cooling, or other services without affecting the level of service provided. An energy efficiency project may also include energy conservation measures; that is, a reduction in energy consumption that corresponds with a reduction in service demand.

(2) "Renewables" shall have the same meaning as under 30 V.S.A. § 8002.

(3) "Resource conservation measures" shall mean a set of measures, including a study, product, process, or technology, aimed at reducing overall use or consumption of energy resources in State buildings or facilities. "Resource conservation measures" shall include energy efficiency improvements.

(f) Beginning on or before January 15, 2015 and annually thereafter, the Department of Buildings and General Service shall report to the Senate Committee on Institutions and the House Committee on Corrections and Institutions on the expenditure of funds from the State Resource Management Revolving Fund for resource conservation measures and the Energy Revolving Fund for energy efficiency improvements and the use of renewable resources. For each fiscal year, the report shall include a summary of each project receiving funding and the State's expected savings.

\* \* \* Effective Date \* \* \*

Sec. 42. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment; Rules Suspended  
and Bill Messaged to Senate Forthwith**

**S. 237**

Senate bill, entitled

An act relating to civil forfeiture proceedings in cases of animal cruelty

Was taken up, read the third time and passed in concurrence with proposal of amendment.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Senate Proposal of Amendment Concurred in**

**H. 225**

The Senate proposed to the House to amend House bill, entitled

An act relating to a statewide policy on the use of and training requirements for electronic control devices

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A. § 2367 is added to read:

§ 2367. STATEWIDE POLICY; ELECTRONIC CONTROL DEVICES; REPORTING

(a) As used in this section:

(1) “Electronic control device” means a device primarily designed to disrupt an individual’s central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses.

(2) “Law enforcement officer” means a sheriff, deputy sheriff, police officer, capitol police officer, State game warden, State Police officer, constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, and a certified law enforcement officer employed by a State branch, agency, or department, including the Department of Motor Vehicles, the Agency of Natural Resources, the Office of the Attorney General, the Department of State’s Attorney, the Secretary of State, and the Department of Liquor Control.

(b) On or before January 1, 2015, the Law Enforcement Advisory Board shall establish a statewide policy on the use of and training requirements for the use of electronic control devices. On or before January 1, 2016, every State, local, county, and municipal law enforcement agency and every constable who is not employed by a law enforcement agency shall adopt this policy. If a law enforcement agency or officer that is required to adopt a policy pursuant to this subsection fails to do so on or before January 1, 2016, that agency or officer shall be deemed to have adopted, and shall follow and enforce, the model policy established by the Law Enforcement Advisory Board. The policy shall include the following provisions:

(1) Electronic control devices are less-lethal, but not necessarily non-lethal, alternatives to lethal force.

(2) Officers may deploy an electronic control device only:

(A) against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to others or themselves; or

(B) if, without further action or intervention by the officer, injuries to the subject or others will likely occur.

(3) Neither an officer, a subject, or a third party has actually to suffer an injury before an officer is permitted to use an electronic control device, and officers are not required to use alternatives that increase the danger to the public or themselves.

(4) When it is safe to do so, officers shall attempt to de-escalate situations and shall provide a warning prior to deploying an electronic control device.

(5) Electronic control devices shall not be used in a punitive or coercive manner and shall not be used to awaken, escort, or gain compliance from passively resisting subjects. The act of fleeing or of destroying evidence, in and of itself, does not justify the use of an electronic control device.

(6) The use of electronic control devices shall comply with all recommendations by manufacturers for the reduction of risk of injury to subjects, including situations where a subject's physical susceptibilities are known.

(7) Electronic control devices shall be used in a manner that recognizes the potential additional risks that can result from situations:

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(A) involving persons who are in an emotional crisis that may interfere with their ability to understand the consequences of their actions or to follow directions;

(B) involving persons with disabilities whose disability may impact their ability to communicate with an officer, or respond to an officer's directions; and

(C) involving higher risk populations that may be more susceptible to injury as a result of electronic control devices.

(8) Electronic control devices shall not be used on animals unless necessary to deter vicious or aggressive behavior that threatens the safety of officers or others.

(c) The Criminal Justice Training Council shall adopt rules and develop training to ensure that the policies and standards of this section are met. The Criminal Justice Training Council shall ensure that a law enforcement officer receives appropriate and sufficient training before becoming authorized to carry or use an electronic control device.

(d) On or before June 30, 2017, every State, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall ensure that all officers have completed the training established in 2004 Acts and Resolves No. 80, Sec. 13(a), and every constable who is not employed by a law enforcement agency shall have completed this training.

(e) The Criminal Justice Training Council shall coordinate training initiatives with the Department of Mental Health related to law enforcement interventions, training for joint law enforcement and mental health crisis team responses, and enhanced capacity for mental health emergency responses.

(f) Every State, local, county, and municipal law enforcement agency and every constable who is not employed by a law enforcement agency shall report all incidents involving the use of an electronic control device to the Criminal Justice Training Council in a form to be determined by the Council.

(g) The Law Enforcement Advisory Board shall:

(1) study and make recommendations as to whether officers authorized to carry electronic control devices should be required to wear body cameras;

(2) establish a policy on the calibration and testing of electronic control devices;

(3) on or before January 15, 2015, report to the House and Senate Committees on Government Operations and on Judiciary concerning the

recommendations and policy developed pursuant to subdivisions (1) and (2) of this subsection; and

(4) on or before April 15, 2015, ensure that all electronic control devices carried or used by law enforcement officers are in compliance with the policy established pursuant to subdivision (2) of this subsection.

## Sec. 2. REPORTS

(a) On or before January 15, 2015, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and on Judiciary on the progress made implementing the rules, training, and certification standards required by this act.

(b) On or before January 15, 2015, the Department of Mental Health shall report to the House and Senate Committees on Government Operations and on Judiciary on the adequacy of resources to support the requirements of this act.

(c) On or before March 15, 2016, and annually thereafter, the Criminal Justice Training Council shall report to the House and Senate Committees on Government Operations and on Judiciary all incidents involving the use of an electronic control device, a review of compliance with standards, the adequacy of training and certification requirements, and the adequacy of funding for mental health collaboration.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

### **Report of Committee of Conference Adopted; Rules Suspended And Bill Messaged to the Senate Forthwith**

#### **S. 234**

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to Medicaid coverage for home telemonitoring services

Respectfully reported that it has met and considered the same and recommended that the House recede from its proposals of amendment and that



the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1901g is added to read:

§ 1901g. MEDICAID COVERAGE FOR HOME TELEMONITORING SERVICES

(a) The Agency of Human Services shall provide Medicaid coverage for home telemonitoring services performed by home health agencies or other qualified providers as defined by the Agency of Human Services for Medicaid beneficiaries who have serious or chronic medical conditions that can result in frequent or recurrent hospitalizations and emergency room admissions. Beginning on July 1, 2014, the Agency shall provide coverage for home telemonitoring for one or more conditions or risk factors for which it determines, using reliable data, that home telemonitoring services are appropriate and that coverage will be budget-neutral. The Agency may expand coverage to include additional conditions or risk factors identified using evidence-based best practices if the expanded coverage will remain budget-neutral or as funds become available.

(b) A home health agency or other qualified provider shall ensure that clinical information gathered by the home health agency or other qualified provider while providing home telemonitoring services is shared with the patient's treating health care professionals. The Agency of Human Services may impose other reasonable requirements on the use of home telemonitoring services.

(c) As used in this section:

(1) "Home health agency" means an entity that has received a certificate of need from the State to provide home health services and is certified to provide services pursuant to 42 U.S.C. § 1395x(o).

(2) "Home telemonitoring service" means a health service that requires scheduled remote monitoring of data related to a patient's health, in conjunction with a home health plan of care, and access to the data by a home health agency or other qualified provider as defined by the Agency of Human Services.

Sec. 2. GRANT FUNDING

The Department of Vermont Health Access and home health agencies shall seek to maximize opportunities for grant funding to offset start-up, equipment, technology, maintenance, and other costs related to home telemonitoring in order to minimize the expense to the Medicaid program.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

COMMITTEE ON THE PART OF  
THE SENATE

SEN. ANTHONY POLLINA  
SEN. VIRGINIA V. LYONS  
SEN. CLAIRE D. AYER

COMMITTEE ON THE PART OF  
THE HOUSE

REP. CHRISTOPHER A.  
REP. DOUGLAS GAGE  
REP. ANNE T. O'BRIEN

Which was considered and adopted on the part of the House.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; House Resolution Amended and Adopted**

**H.R. 24**

On motion of **Rep. Turner of Milton**, the rules were suspended and House resolution, entitled

House resolution relating to legislative ethics

Appearing on the Calendar for notice, was taken up for immediate consideration.

**Rep. Deen of Westminster**, for the committee on Rules, to which had been referred the resolution reported in favor of its passage when amended by striking all after the list of sponsors and inserting in lieu thereof the following:

Whereas, Ch. I, Art. 7 of the Constitution of the State of Vermont provides “[t]hat government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community,” and

Whereas, Ch. II, § 12 of the Vermont Constitution provides that “[n]o member of the General Assembly shall, directly or indirectly, receive any fee or reward to bring forward or advocate any bill, petition, or other business to be transacted in the Legislature,” and

Whereas, Ch. II, § 14 of the Vermont Constitution provides that the members of the House of Representatives have the authority to judge the qualifications of their own members, and

Whereas, in the Rules and Orders of the House of Representatives, House Rule 75 provides that “[m]embers shall not be permitted to vote upon any

question in which they are immediately or directly interested,” but does not provide further guidance as to the meaning of that provision, and

Whereas, House Rule 88 provides that questions of parliamentary procedure not covered by House Rules shall be decided according to Mason’s Manual of Legislative Procedure, and

Whereas, Mason’s Manual § 522.1 provides that “[i]t is the general rule that no members can vote on a question in which they have a direct personal or pecuniary interest” and that “[t]he right of members to represent their constituencies is of such major importance that members should be barred from voting on matters of direct personal interest only in clear cases and when the matter is particularly personal,” and

Whereas, currently, there may be ambiguity as to what it means to be “immediately or directly interested” in a question, and

Whereas, it is difficult for the House to judge whether it is appropriate for a member to vote on a question without knowing the organizations to which each member belongs and his or her employer, now therefore be it

Resolved by the House of Representatives:

That this legislative body moves to add Rule 14a to the Rules and Orders of the House of Representatives to read:

14a. On or before the 10th day of the beginning of the biennium, each member shall submit to the Clerk a disclosure form prepared by the Clerk. The form shall be signed by the member, be publicly available, and may be updated. The form shall set forth, to the best of the member’s ability, the following information applicable as of the date of submission:

(a) any boards, commissions, or other entities on which the member serves; a description of that position; and, except in the case of legislative appointments, whether the member receives any form of remuneration for that position; and

(b) the member’s employer or employers., and be it further

Resolved: That this legislative body moves to add Rule 90a to the Rules and Orders of the House of Representatives to read:

90a. (a) The House Rules Committee shall, at the beginning of the biennium or as soon as possible thereafter, establish an Ethics Panel with the following powers and duties:

(1) to advise individual members and provide training to all members on ethical conduct, including compliance with Rule 75;

(2) to receive and investigate complaints of alleged ethical violations made against members of the House, except for those complaints covered under Rule 90, and to recommend to the House any disciplinary action against a member for an ethical violation, if the Panel deems it necessary; and

(3) to recommend to the Rules Committee rules of the Panel for subsequent adoption by the House.

(b) The panel shall comprise five members of the House, not more than three of whom shall be from the majority party, who shall serve until successors are appointed. The members shall elect a chair and adopt policies and procedures to conduct their business.

(c) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.

Which was agreed to.

Pending the question, Shall the resolution be adopted? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the resolution be adopted? was decided in the affirmative. Yeas, 136. Nays, 2.

Those who voted in the affirmative are:

Ancel of Calais	Copeland-Hanzas of	French of Randolph
Bartholomew of Hartland	Bradford	Gage of Rutland City
Batchelor of Derby	Corcoran of Bennington	Gallivan of Chittenden
Beyor of Highgate	Cross of Winooski	Goodwin of Weston
Bissonnette of Winooski	Cupoli of Rutland City	Grad of Moretown
Botzow of Pownal	Dakin of Chester	Greshin of Warren
Bouchard of Colchester	Davis of Washington	Haas of Rochester
Brennan of Colchester	Deen of Westminster	Head of South Burlington
Browning of Arlington	Devereux of Mount Holly	Heath of Westford
Burditt of West Rutland	Dickinson of St. Albans	Hebert of Vernon
Burke of Brattleboro	Town	Higley of Lowell
Buxton of Tunbridge	Donaghy of Poultney	Hooper of Montpelier
Campion of Bennington	Donovan of Burlington	Hubert of Milton
Canfield of Fair Haven	Ellis of Waterbury	Huntley of Cavendish
Carr of Brandon	Emmons of Springfield	Jerman of Essex
Christie of Hartford	Evans of Essex	Jewett of Ripton
Clarkson of Woodstock	Fagan of Rutland City	Johnson of South Hero
Cole of Burlington	Fay of St. Johnsbury	Johnson of Canaan
Connor of Fairfield	Feltus of Lyndon	Juskiewicz of Cambridge
Conquest of Newbury	Fisher of Lincoln	Keenan of St. Albans City
Consejo of Sheldon	Frank of Underhill	Kitzmiller of Montpelier

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Klein of East Montpelier	Morrissey of Bennington	Stevens of Waterbury
Koch of Barre Town	Mrowicki of Putney	Stevens of Shoreham
Komline of Dorset	Myers of Essex	Strong of Albany
Krowinski of Burlington	Nuovo of Middlebury	Stuart of Brattleboro
Lanpher of Vergennes	O'Brien of Richmond	Sweaney of Windsor
Larocque of Barnet	O'Sullivan of Burlington	Terenzini of Rutland Town
Lawrence of Lyndon	Partridge of Windham	Till of Jericho
Lenes of Shelburne	Pearce of Richford	Toleno of Brattleboro
Lewis of Berlin	Pearson of Burlington	Townsend of South Burlington
Lippert of Hinesburg	Peltz of Woodbury	Trieber of Rockingham
Macaig of Williston	Poirier of Barre City	Turner of Milton
Malcolm of Pawlet	Potter of Clarendon	Van Wyck of Ferrisburgh
Manwaring of Wilmington	Pugh of South Burlington	Vowinkel of Hartford
Marcotte of Coventry	Quimby of Concord	Waite-Simpson of Essex
Marek of Newfane	Rachelson of Burlington	Walz of Barre City
Martin of Springfield	Ralston of Middlebury	Webb of Shelburne
Masland of Thetford	Ram of Burlington	Weed of Enosburgh
McCarthy of St. Albans City	Russell of Rutland City	Wilson of Manchester
McCormack of Burlington	Ryerson of Randolph	Wizowaty of Burlington *
McCullough of Williston	Savage of Swanton	Woodward of Johnson
McFaun of Barre Town	Scheuermann of Stowe	Yantachka of Charlotte
Michelsen of Hardwick	Sharpe of Bristol	Young of Glover
Miller of Shaftsbury	Shaw of Pittsford	Zagar of Barnard
Mitchell of Fairfax	Shaw of Derby	
Mook of Bennington	Smith of New Haven	
Moran of Wardsboro	South of St. Johnsbury	

Those who voted in the negative are:

Kilmartin of Newport City \*      Winters of Williamstown

Those members absent with leave of the House and not voting are:

Branagan of Georgia	Hoyt of Norwich	Martin of Wolcott
Condon of Colchester	Krebs of South Hero	Spengler of Colchester
Donahue of Northfield	Kupersmith of South Burlington	Toll of Danville
Helm of Fair Haven		Wright of Burlington

**Rep. Kilmartin of Newport City** explained his vote as follows:

“Mr. Speaker:

No. The resolution is poorly drafted, insufficiently comprehensive, while being overly broad and intrusive. In my faith community I have often served on multiple committees and sub-committees. As a lawyer I work for clients...to list them publically would be an ethical breach and an invasion of their privacy.

In the words of my late mother, ‘Once again we strain at the gnat and swallow the camel.’

**Rep. Wizowaty of Burlington** explained her vote as follows:

“Mr. Speaker:

I vote yes with trepidation. Honestly, I don’t believe that the organizations I belong to are anyone’s business but my own. I understand the public may feel differently – apparently this is the case – but I regret the further diminishing of my and our privacy.”

### **Rules Suspended; Favorable Reports; Third Reading Ordered**

#### **S. 308**

On motion of **Rep. Turner of Milton**, the rules were suspended and Senate bill, entitled

An act relating to regulating precious metal dealers

Appearing on the Calendar for notice, was taken up for immediate consideration.

**Rep. Koch of Barre Town**, for the committee on Judiciary, to which had been referred the bill reported in favor of its passage.

**Rep. Wilson of Manchester** for the committee on Ways and Means recommended that the bill ought to pass in concurrence.

The bill taken up, read the second time and third reading ordered.

### **Rules Suspended; Report of Committee of Conference Adopted**

#### **H. 765**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to eliminating the part-time certification of law enforcement officers

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reported that it has met and

considered the same and recommended that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Vermont Criminal Justice Training Council \* \* \*

Sec. 1. 20 V.S.A. § 2351 is amended to read:

§ 2351. PURPOSE; ~~DEFINITION OF COUNCIL~~

(a) In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of ~~“the the~~ Vermont Criminal Justice Training Council.” Council.

(b) The Council is created to encourage and assist municipalities, counties, and governmental agencies of this State in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of recruit and in-service training for law enforcement officers, including members of the Department of Public Safety, capitol police officers, municipal police officers, constables, correctional officers, prosecuting personnel, motor vehicle inspectors, State investigators employed on a full-time basis by the Attorney General, fish and game wardens, sheriffs and their deputies who exercise law enforcement powers pursuant to the provisions of 24 V.S.A. §§ 307 and 311, ~~and~~ railroad police commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8, and police officers appointed to the University of Vermont’s Department of Police Services.

(c) The Council shall offer continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice.

(d) It is the responsibility of the Council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.

Sec. 2. 20 V.S.A. § 2352 is amended to read:

§ 2352. CREATION OF COUNCIL

(a) ~~The eriminal justice training council~~ Vermont Criminal Justice Training Council shall consist of the ~~commissioners of public safety, corrections, motor vehicles, fish and wildlife~~ Commissioners of Public Safety, of Corrections, of Motor Vehicles, and of Fish and Wildlife, the attorney general Attorney General, a member of the Vermont ~~state police~~ State Police bargaining unit of the Vermont ~~state employees’ association~~ State Employees’ Association or its successor entity, elected by its membership, and a member of the Vermont ~~police association~~ Police Association, elected by its membership. The ~~governor~~ Governor shall appoint five additional members so as to provide

broad representation of all aspects of law enforcement and the public in Vermont on the ~~council~~ Council. The ~~governor~~ Governor shall solicit recommendations for appointment from the Vermont ~~state's attorneys association~~ State's Attorneys Association, the Vermont ~~state's sheriffs association~~ State's Sheriffs Association, and the Vermont ~~police chiefs association~~ Police Chiefs Association, and the Vermont Constables Association. Their term shall be three years.

\* \* \*

Sec. 3. 20 V.S.A. § 2355 is amended to read:

§ 2355. POWERS AND DUTIES

(a) The ~~council~~ Council shall adopt rules with respect to:

(1) ~~The~~ the approval, or revocation thereof, of law enforcement officer training schools and off-site training programs;

(2) ~~Minimum~~ minimum courses of study, attendance requirements, and equipment and facilities to be required at approved law enforcement officer training schools and off-site training programs;

(3) ~~Minimum~~ minimum qualifications for instructors at approved law enforcement officer training schools and off-site training programs;

(4) ~~Minimum~~ minimum basic training for law enforcement officers in each level of law enforcement officer certification and the time within which that training shall be completed;

(5) ~~Minimum basic training in order to retain their status for law enforcement officers who are appointed on a permanent basis, and the time within which that basic training shall be completed following appointment; [Repealed.]~~

(6) ~~Minimum~~ minimum annual in-service training requirements for law enforcement officers in each level of law enforcement officer certification;

(7) ~~Minimum~~ minimum courses of training for other criminal justice personnel;

(8) ~~Categories~~ categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to those categories or classifications;

(9) ~~Recertification~~ recertification of persons who have not been employed as law enforcement officers for a three-year period;



(10) ~~A~~ a definition of criminal justice personnel and criminal justice training for purposes of this title;

(11) ~~Decertification~~ decertification of persons who have been convicted of a felony subsequent to their certification as law enforcement officers;

(12) ~~Decertification~~ decertification of persons who have not complied with in-service training requirements, provided that the ~~council~~ Council, through its ~~executive director~~ Executive Director, may grant a 60-day waiver to a ~~police~~ law enforcement officer who has failed to meet his or her annual in-service training requirements but who is able to complete those training requirements within that 60-day period.

(b) The ~~council~~ Council shall conduct and administer training schools and offer courses of instruction for law enforcement officers and other criminal justice personnel. The ~~council~~ Council may also offer the basic officer's course for pre-service students.

(c)(1) The ~~council~~ Council shall appoint, subject to the approval of the ~~governor~~ Governor, an ~~executive director~~ Executive Director who shall be an exempt ~~state~~ State employee, and who shall hold office during the pleasure of the ~~council~~ Council.

(2)(A) ~~He or she~~ The Executive Director shall perform such duties as may be assigned by the ~~council~~ Council. ~~The executive director is entitled to compensation, as established by law, and reimbursement for the expenses within the amounts available by appropriation.~~

(B) The ~~executive director~~ Executive Director may appoint officers, employees, agents, and consultants as he or she may deem necessary, and prescribe their duties, with the approval of the ~~council~~ Council.

(3) The Executive Director is entitled to compensation as established by law and reimbursement for expenses within the amounts available by appropriation.

(d) The ~~council~~ Council may, in addition:

(1) ~~Accept~~ accept and administer under this chapter and for its purposes contributions, capital grants, gifts, services, and other financial assistance from any individual, association, corporation, or other organization having an interest in criminal justice training, and from this ~~state~~ State and the United States and any of their agencies and instrumentalities, corporate or otherwise; and

(2) ~~Perform~~ perform such other acts as may be necessary or appropriate to carry out the purposes of this chapter.

(e) Any agency or department of ~~state government, municipality or State, county, or municipal government~~ may, notwithstanding any provision of this chapter, engage in and pay for, from sums appropriated for that purpose, training activities for employees in addition to any minimum training required by the ~~council~~ Council.

(f) The ~~council~~ Council shall charge participants or employers of participants in law enforcement training programs as follows:

(1) The tuition ~~fee fees~~ for any of the basic training or annual in-service training required under section 2358 of this ~~title chapter~~ shall be \$6,417.00 set forth in rules adopted by the Council. The tuition fees shall be set to reflect the actual costs for operation of the particular programs offered. ~~This fee~~ The fees for basic training shall not be charged for persons employed by police agencies at the time of training.

(2) The tuition fees for training not required under section 2358 of this ~~title chapter~~ shall be set to reflect the actual costs for operation of the particular programs offered, with an additional \$30.00 entrance exam fee.

(g) The ~~criminal justice training council~~ Council shall develop and maintain a comprehensive drug training program ~~by July 1, 1988.~~

Sec. 4. 20 V.S.A. § 2357 is amended to read:

#### § 2357. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR

The ~~executive director~~ Executive Director of the ~~council~~ Council, on behalf of the ~~council~~ Council, shall have the following powers and duties, subject to the supervision of the ~~council~~ Council and to be exercised only in accordance with rules adopted under this chapter:

(1) ~~To~~ to approve, on applications made in advance, criminal justice personnel training programs and their lesson plans and instructors, to issue certificates of approval to those programs, and to revoke those approvals or certificates;

(2) ~~To~~ to certify, as qualified, instructors at approved criminal justice personnel training schools and to issue appropriate certificates to those instructors;

(3) ~~To~~ to certify criminal justice personnel who have satisfactorily completed approved training programs and to issue appropriate certificates to them;

(4) ~~To~~ to cause studies and surveys to be made relating to the establishment, operation, and approval of criminal justice training schools;

(5) ~~To~~ to consult and cooperate with law enforcement officer criminal justice training schools:

(A) to recommend a course of study in crime prevention for law enforcement students; and

(B) for the development of advanced in-service training programs for law enforcement officers, which shall include a course of study on crime prevention;

(6) ~~To~~ to consult and cooperate with universities, colleges, and institutes for the development of specialized courses of study including a course of study on crime prevention, where appropriate;

(7) ~~To~~ to consult and cooperate with other departments and agencies of the state State and federal government concerned with criminal justice personnel training;

(8) ~~To provide courses for persons who wish to make application for licensing as a private detective as provided in 32 V.S.A. § 9506, and to charge the applicant a reasonable fee, based on the cost of providing courses; [Repealed.]~~

(9) ~~To~~ to perform such other acts as may be necessary or appropriate to carry out his or her powers and duties as set forth in this chapter;

(10) ~~To~~ to report to the ~~council~~ Council at each regular meeting of the ~~council~~ Council and at such other times as may be required; and

(11) ~~Approve~~ to approve and accept pre-service and military students for any of the basic officer's training course courses set forth in section 2358 of this chapter.

Sec. 5. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

(a) Unless waived by the Council under standards adopted by rule, and notwithstanding any statute or charter to the contrary, no person shall exercise law enforcement authority: as a law enforcement officer without completing a basic training course and annual in-service training within a time and manner prescribed by the Council by rule.

~~(1) as a part time law enforcement officer without completing a basic training course within a time prescribed by rule of the Council; or~~

~~(2) as a full time law enforcement officer without either:~~

~~(A) completing a basic training course in the time and manner prescribed by the Council; or~~

~~(B) having received, before July 1, 1968, permanent full-time appointment as a law enforcement officer, and completing a basic training course before July 1, 1982.~~

~~(3) as a full or part-time law enforcement officer without completing annual in-service training requirements as prescribed by the Council.~~

(b) The Council shall offer or approve basic training and annual in-service training for each of the following three levels of law enforcement officer certification in accordance with the scope of practice for each level, and shall determine by rule the scope of practice for each level in accordance with the provisions of this section:

(1) Level I certification.

(A) An applicant for certification as a Level I law enforcement officer shall first complete an off-site training program prior to entering and completing Level I basic training. Level I basic training shall include training to react to the circumstances described in subdivision (B) of this subdivision (1).

(B)(i) The scope of practice of a Level I law enforcement officer shall be limited to security, transport, vehicle escorts, and traffic control, as those terms are defined by the Council by rule, except that a Level I officer may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) detain an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) detain an individual whom the officer reasonably believes has committed a felony under Vermont law.

(ii) If a Level I officer reacts to any of the circumstances described in subdivision (i) of this subdivision (B), he or she shall call upon an officer certified to respond and assume law enforcement authority over the incident.

(2) Level II certification.

(A) An applicant for certification as a Level II law enforcement officer shall first complete Level II basic training and may then become certified in a specialized practice area as set forth in subdivision (B)(ii) of this subdivision (2). Level II basic training shall include training to respond to calls regarding alleged crimes in progress and to react to the circumstances described in subdivision (B)(iii) of this subdivision (2).

(B)(i) Except as provided in subdivisions (ii) and (iii) of this subdivision (B), the scope of practice of a Level II law enforcement officer shall be limited to investigating the following matters:

- (I) 13 V.S.A. chapter 7 (advertisements);
- (II) 13 V.S.A. chapter 8 (humane and proper treatment of animals);
- (III) 13 V.S.A. chapter 19, subchapter 1 (riots);
- (IV) 13 V.S.A. §§ 1022 (noise in the nighttime), 1023 (simple assault), 1026 (disorderly conduct), and 1031 (interference with access to emergency services);
- (V) 13 V.S.A. chapter 35 (escape);
- (VI) 13 V.S.A. chapter 41 (false alarms and reports);
- (VII) 13 V.S.A. chapter 45 (flags and ensigns);
- (VIII) 13 V.S.A. chapter 47 (frauds);
- (IX) 13 V.S.A. chapter 49 (fraud in commercial transactions);
- (X) 13 V.S.A. chapter 51 (gambling and lotteries);
- (XI) 13 V.S.A. chapter 57 (larceny and embezzlement), except for subchapter 2 (embezzlement);
- (XII) 13 V.S.A. chapter 67 (public justice and public officers);
- (XIII) 13 V.S.A. chapter 69 (railroads);
- (XIV) 13 V.S.A. chapter 77 (trees and plants);
- (XV) 13 V.S.A. chapter 81 (trespass and malicious injuries to property);
- (XVI) 13 V.S.A. chapter 83 (vagrants);
- (XVII) 13 V.S.A. chapter 85 (weapons);

(XVIII) any matter within the jurisdiction of the Judicial Bureau as set forth in 4 V.S.A. § 1102;

(XIX) municipal ordinance violations;

(XX) any matter within the jurisdiction of a game warden or deputy game warden as set forth in 10 V.S.A. chapter 103, subchapter 4 (game wardens); and

(XXI) any matter within the scope of practice of a Level I law enforcement officer.

(ii) In addition to the scope of practice permitted under subdivision (i) of this subdivision (B), a Level II law enforcement officer may also practice in additional areas approved in writing by the Council based on a special certification or training approved by the Council pursuant to rules adopted by the Council.

(iii) Notwithstanding the limitations set forth in subdivisions (i) and (ii) of this subdivision (B), a Level II officer may respond to calls regarding alleged crimes in progress and may react in the following circumstances if the officer determines that it is necessary to do any of the following:

(I) protect an individual in the presence of the officer from the imminent infliction of serious bodily injury;

(II) provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury;

(III) detain an individual whom the officer reasonably believes has committed a crime in the presence of the officer; or

(IV) detain an individual whom the officer reasonably believes has committed a felony under Vermont law.

(iv) If a Level II officer responds to calls regarding alleged crimes in progress or reacts to any of the circumstances described in subdivision (iii) of this subdivision (B) and that response or reaction is outside the scope of his or her scope of practice, he or she shall call upon an officer certified to respond and assume law enforcement authority over the incident.

(3) Level III certification.

(A) An applicant for certification as a Level III law enforcement officer shall complete Level III basic training.

(B) The scope of practice of a Level III law enforcement officer shall include all law enforcement authority.

(c) All programs required by this section shall be approved by the Council. Completion of a program shall be established by a certificate to that effect signed by the Executive Director of the Council.

~~(e)~~(d) As used in this section:

(1) “Law enforcement officer” means a member of the Department of Public Safety who exercises law enforcement powers, a member of the State police, a capitol police officer, a municipal police officer, a constable who exercises law enforcement powers, a motor vehicle inspector, an employee of the Department of Liquor Control who exercises law enforcement powers, an investigator employed by the Secretary of State, Board of Medical Practice investigators employed by the Department of Health, Attorney General, or a ~~state’s attorney~~ State’s Attorney, a fish and game warden, a sheriff, or deputy sheriff who exercises law enforcement powers, ~~or~~ a railroad police officer commissioned pursuant to 5 V.S.A. chapter 68, subchapter 8, or a police officer appointed to the University of Vermont’s Department of Police Services.

(2) ~~“Full time law enforcement officer” means a law enforcement officer with duties of a predictable and continuing nature which require more than 32 hours per week and more than 25 weeks per year~~ “Off-site training” means training provided off the premises of a law enforcement officer training school and approved by the Council under the provisions of section 2355 of this chapter.

(3) ~~“Part time law enforcement officer” means a law enforcement officer who is not employed full time. [Repealed.]~~

~~(d) The council may determine whether a particular position is full time or part time.~~

(e) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Training Council.

Sec. 6. 20 V.S.A. § 2361 is amended to read:

#### § 2361. ADDITIONAL TRAINING

(a) Nothing in this chapter prohibits any ~~commissioner, department or State agency head, department, or office~~ of the State from providing additional training beyond basic training to its personnel ~~in~~

~~their agencies or departments~~ where no certification is requested ~~from the director of~~ or required by the ~~council~~ Council or its Executive Director.

~~(b) The commissioner of public safety~~ head of a State agency, department, or office, a municipality's chief of police, or a sheriff may seek certification from the ~~criminal justice training council of~~ Council for any additional in-service training he or she may provide to his or her employees.

Sec. 7. TRANSITIONAL PROVISIONS; OFFICER CERTIFICATION AND RULEMAKING AUTHORITY

(a) On the effective date of Sec. 5 of this act, 20 V.S.A. § 2358 (minimum training standards; definitions), any law enforcement officer certified by the Vermont Criminal Justice Training Council immediately prior to the effective date of Sec. 5 as:

(1) a part-time law enforcement officer shall be considered to be a Level II law enforcement officer, unless that officer submits in writing to the Council that he or she would like to be considered a Level I officer.

(2) a full-time law enforcement officer shall be considered to be a Level III law enforcement officer, unless that officer submits in writing to the Council that he or she would like to be considered a Level I or Level II officer.

(b) Any special certification that a part- or full-time law enforcement officer described in subsection (a) of this section held as part of his or her part- or full-time certification shall transfer to his or her new level of certification described in subsection (a).

(c) The Vermont Criminal Justice Training Council shall adopt rules in order to implement the provisions of Secs. 3, 20 V.S.A. § 2355 (powers and duties), and 5, 20 V.S.A. § 2358 (minimum training standards; definitions), of this act prior to the effective date of Secs. 3 and 5.

Sec. 8. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL;  
RECOMMENDED TRANSITION BETWEEN DIFFERENT  
LEVELS OF LAW ENFORCEMENT OFFICER CERTIFICATION

On or before January 15, 2015, the Vermont Criminal Justice Training Council shall submit to the House and Senate Committees on Government Operations:

(1) the Council's recommendation regarding the manner in which a law enforcement officer should be able to transition to a different level of law enforcement officer certification, once the officer has obtained one of the



levels of certification described in Sec. 5 of this act, 20 V.S.A. § 2358 (minimum training standards; definitions); and

(2) after consulting with the Vermont Police Association, Inc., the Chiefs of Police Association of Vermont, the Vermont Constables Association, the Vermont Sheriffs' Association, Inc., and a representative from the Department of Public Safety, any Council recommendation regarding whether there should be any changes to the scope of practice for any of the levels of law enforcement officer certification described in Sec. 5 of this act, 20 V.S.A. § 2358.

\* \* \* Law Enforcement Advisory Board \* \* \*

Sec. 9. 24 V.S.A. § 1939 is amended to read:

§ 1939. LAW ENFORCEMENT ADVISORY BOARD

(a) A Law Enforcement Advisory Board is created within the Department of Public Safety to advise the Commissioner of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies which exercise law enforcement responsibilities. The Board shall review any matter which affects more than one law enforcement agency. The ~~board~~ Board shall comprise the following members:

\* \* \*

(3) the Director of the Vermont Criminal Justice ~~Support~~ Services Division;

\* \* \*

(12) the Defender General or ~~his or her~~ designee; ~~and~~

(13) one employee-representative of the Vermont State Police, appointed by the Director of the Vermont State Employees' Association; ~~and~~

(14) a member of the Vermont Constables Association appointed by the President of the Association.

\* \* \*

\* \* \* Capitol Police \* \* \*

Sec. 10. 2 V.S.A. § 70 is amended to read:

§ 70. CAPITOL POLICE DEPARTMENT

\* \* \*

(b) Powers; training.

(1) Capitol police officers shall have all the same powers and authority as sheriffs and other law enforcement officers anywhere in the State, which shall include the authority to arrest persons and enforce the civil and criminal laws, keep the peace, provide security, and to serve civil and criminal process. For this purpose, capitol police officers shall subscribe to the same oaths required for sheriffs.

(2) Notwithstanding any other provision of law to the contrary, a capitol police officer shall be a Level II or Level III law enforcement officer certified by the Vermont ~~criminal justice training council~~ Criminal Justice Training Council pursuant to the provisions of 20 V.S.A. chapter 151.

\* \* \*

\* \* \* Investigators Employed by the Secretary of State \* \* \*

Sec. 11. 3 V.S.A. § 123(f) is amended to read:

(f) Classified State employees who are employed as investigators by the Secretary of State who have successfully met the standards of training for a ~~full-time~~ Level III law enforcement officer under 20 V.S.A. chapter 151 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Vermont Employees Retirement System \* \* \*

Sec. 12. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

\* \* \*

(9) "Employee" shall mean:

\* \* \*

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers'

Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs ~~employed~~ compensated by the State of Vermont whose primary function is transports, full-time members of the capitol police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, Department of Health, or Office of the Secretary of State, who have attained ~~full-time~~ Level III law enforcement officer certification from the Vermont Criminal Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. ~~section~~ § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are full-time firefighters employed by the State of Vermont.

\* \* \* Labor Relations \* \* \*

Sec. 13. 3 V.S.A. § 972 is amended to read:

§ 972. DEFINITIONS

As used in this subchapter:

\* \* \*

(3) "Public body" means:

\* \* \*

(E) a law enforcement officer as defined in 20 V.S.A. § 2358~~(e)~~(d)(1);

\* \* \*

\* \* \* Railroad Police \* \* \*

Sec. 14. 5 V.S.A. chapter 68, subchapter 8 is amended to read:

Subchapter 8. Railroad Police

§ 3755. COMMISSIONS

Upon petition of a person or corporation owning or operating a railroad, the ~~commissioner of public safety~~ Commissioner of Public Safety may, subject to the provisions of section 3757 of this subchapter, commission any employees of the railroad as the person or corporation designates to act as police officers in and upon the premises and equipment owned, managed, or used by a railroad, shall issue commissions to the employees ~~to act as police~~ so commissioned, and shall have the authority to rescind such commissions.

\* \* \*

#### § 3757. QUALIFICATIONS

Persons commissioned pursuant to section 3755 of this ~~title~~ subchapter shall be subject to minimum training standards established by rule of the Vermont ~~criminal justice training council~~ Criminal Justice Training Council pursuant to 20 V.S.A. chapter 151; ~~provided that persons employed as full time railroad police before January 1, 1981, shall have until July 1, 1984, to meet the minimum training standards or equivalent standards as determined by the council, and may continue to function under laws in effect prior to passage of this subchapter until July 1984, or until receiving a commission under this subchapter, whichever occurs sooner.~~

\* \* \*

#### § 3763. TERMINATION OF AUTHORITY

Upon termination of employment as a railroad police officer of any person commissioned pursuant to this subchapter, the person's commission shall be automatically rescinded and his or her powers as a police officer shall terminate. Within 10 days after the termination, the employing railroad shall file a notice of the termination with the ~~commissioner of public safety~~ Commissioner of Public Safety and the Vermont Criminal Justice Training Council. The ~~state~~ State of Vermont shall not be responsible for the supervision, discipline, or decision to terminate the employment of persons commissioned as railroad police officers under this subchapter.

\* \* \*

\* \* \* Liquor Control \* \* \*

Sec. 15. 7 V.S.A. § 561 is amended to read:

§ 561. AUTHORITY OF LIQUOR CONTROL INVESTIGATORS;  
ARREST FOR UNLAWFULLY MANUFACTURING,  
POSSESSING, OR TRANSPORTING ALCOHOLIC BEVERAGES;  
SEIZURE OF PROPERTY

(a) The Director of the Enforcement Division of the Department of Liquor Control and investigators employed by the Liquor Control Board or by the Department of Liquor Control shall be certified as ~~full-time~~ Level III law enforcement officers by the Vermont Criminal Justice Training Council and shall have the same powers and immunities as those conferred on the State Police by 20 V.S.A. § 1914.

\* \* \*

\* \* \* Game Wardens \* \* \*

Sec. 16. 10 V.S.A. § 4198 is amended to read:

§ 4198. POLICE POWERS; TRAINING; STATE GAME WARDENS;  
DEPUTY GAME WARDENS

~~Upon certification by the executive director of the criminal justice training council of the successful completion of the training program for obtaining from the Vermont Criminal Justice Training Council Level II or Level III law enforcement officers~~ officer certification as established in 20 V.S.A. § 2358, ~~state~~ State game wardens and deputy game wardens shall have the same law enforcement authority, duties, and powers as ~~state police~~ State Police, sheriffs, constables, and municipal police, and shall have all immunities and defenses now or hereafter available to ~~state police~~ State Police, sheriffs, constables, and municipal police in a suit brought against them in consequence of acts done in the course of their employment. State game wardens and deputy game wardens shall receive their regular compensation during the time they are enrolled in the training program.

\* \* \* Crimes and Criminal Procedure \* \* \*

Sec. 17. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

A person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

(1) a Level III certified, ~~full-time~~ law enforcement officer or ~~department of fish and wildlife~~ Department of Fish and Wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer's or employee's agency or department; or

(2) the Vermont National Guard in connection with its duties and responsibilities.

## \* \* \* Investigators Appointed by a State's Attorney \* \* \*

Sec. 18. 24 V.S.A. § 364 is amended to read:

## § 364. INVESTIGATOR

(a)(1) A ~~state's attorney~~ State's Attorney may appoint an investigator and, with the approval of the Governor, shall fix the investigator's pay not to exceed that of a noncommissioned officer of the Department of Public Safety, and may remove the investigator at will.

(2) An investigator shall be reimbursed for necessary expenses incurred in connection with his or her official duties when approved by the ~~state's attorney~~ State's Attorney and the Commissioner of Human Resources.

(3) Investigators shall take part in the investigation of crime, the detection of persons suspected of committing crimes, the preparation of any criminal cause for trial, and other tasks related to the ~~state's attorney's office~~ Office of the State's Attorney.

(4) No person may be appointed as an investigator unless he or she has had appropriate experience in investigative work for a period of not less than two years, including employment as a private detective or a law enforcement officer, or has successfully completed a course of training under 20 V.S.A. chapter 151.

(b) A person appointed as an investigator who has ~~successfully completed a course of training under 20 V.S.A. chapter 151~~ obtained certification as a Level II or Level III law enforcement officer under the provisions of 20 V.S.A. § 2358 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

## \* \* \* Constables \* \* \*

Sec. 19. 24 V.S.A. § 1936a is amended to read:

## § 1936a. CONSTABLES; POWERS AND QUALIFICATIONS

\* \* \*

(d) A municipal legislative body may vote to allow a constable elected or appointed in another municipality to exercise law enforcement authority in its municipality, provided that:

(1) the constable is not prohibited from exercising law enforcement authority under subsection (a) of this section;

(2) the constable ~~has completed the training requirements for a full-time or part-time law enforcement officer~~ is certified to exercise that level of authority under 20 V.S.A. § 2358; and

(3) the exercise of law enforcement authority is conducted in accordance with policies and procedures adopted by the legislative body establishing the circumstances under which the authority may be exercised.

\* \* \* Investigators Employed by the Board of Medical Practice \* \* \*

Sec. 20. 26 V.S.A. § 1351 is amended to read:

§ 1351. BOARD OF MEDICAL PRACTICE

\* \* \*

(f) ~~Classified state~~ State employees who are employed as investigators by the ~~department of health~~ Department of Health who ~~have successfully met the standards of training for a full-time~~ are certified as a Level III law enforcement officer under ~~20 V.S.A. chapter 154~~ 20 V.S.A. § 2358 shall have the same powers as sheriffs in criminal matters and the enforcement of the law and in serving criminal process, and shall have all the immunities and matters of defense now available or hereafter made available to sheriffs in a suit brought against them in consequence for acts done in the course of their employment.

\* \* \* Correctional Officers \* \* \*

Sec. 21. 28 V.S.A. § 551a is amended to read:

§ 551a. LAW ENFORCEMENT POWERS OF CORRECTIONAL OFFICERS; TRAINING REQUIREMENTS

(a) The ~~commissioner of corrections~~ Commissioner of Corrections shall establish training requirements necessary for a correctional officer to be authorized to exercise the power to arrest a person on probation under section 301 of this title, to arrest a person serving supervised community sentence under section 363 of this title, or to arrest a person on parole under section 551 of this title. The required training shall include ~~but not be limited to~~ training in search and seizure, criminal law, authority to arrest, use of force, reporting and record keeping, and liability for actions and conduct.

(b) The ~~commissioner~~ Commissioner may also authorize and designate any correctional officer as defined in subdivision 3(10) of this title to become certified by the ~~criminal justice training council~~ Vermont Criminal Justice Training Council as a ~~part-time~~ law enforcement officer, pursuant to the

provisions of ~~chapter 151 of Title 20 V.S.A.~~ chapter 151. The ~~commissioner~~ Commissioner and the ~~director of the training academy~~ Executive Director of the Vermont Criminal Justice Training Council shall develop curriculum subject to the approval of the ~~training council~~ Council. The ~~commissioner~~ Commissioner by ~~department~~ Department policy may prescribe the use of those law enforcement powers consistent with the official duties and job descriptions of the correctional officer, and may direct that the correctional officer not carry any weapon while on duty. Any person hereby certified shall be sworn by the ~~commissioner~~ Commissioner.

\* \* \* Sheriffs \* \* \*

Sec. 22. 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) The annual salaries of the sheriffs of all counties except Chittenden shall be \$67,688.00 as of July 1, 2012 and \$70,192.00 as of July 14, 2013. The annual salary of the sheriff of Chittenden County shall be \$71,631.00 as of July 1, 2012 and \$74,281.00 as of July 14, 2013.

(b) Compensation under subsection (a) of this section shall be reduced by 10 percent for any sheriff who has not ~~completed the full-time training requirements~~ obtained Level III law enforcement officer certification under 20 V.S.A. § 2358.

\* \* \* Effective Dates \* \* \*

Sec. 23. EFFECTIVE DATES

This act shall take effect on July 1, 2015 except:

(1) this section and Secs. 7 (transitional provisions; officer certification and rulemaking authority) and 8 (Vermont Criminal Justice Training Council; recommended transition between different levels of law enforcement officer certification) shall take effect on passage; and

(2) Sec. 2, 20 V.S.A. § 2352 (creation of Council), and Sec. 9, 24 V.S.A. § 1939 (Law Enforcement Advisory Board), shall take effect on July 1, 2014.

And that after passage the title of the bill be amended to read: “An act relating to establishing new levels of law enforcement officer certification”.

*ELDRED FRENCH  
NORMAN H. MCALLISTER  
JEANETTE K. WHITE*

*Committee on the part of the Senate*



*RONALD E. HUBERT*

*DONNA G. SWEANEY*

*MARK A. HIGLEY*

*Committee on the part of the House*

Which was considered and adopted on the part of the House.

**Message from the Senate No. 69**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 695.** An act relating to establishing a product stewardship program for primary batteries.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered bills originating in the House of the following titles:

**H. 870.** An act relating to the merger of the Town of Pittsford and the Pittsford Fire District No. 1.

**H. 892.** An act relating to approval of the adoption and the codification of the charter of the Central Vermont Public Safety Authority.

**H. 893.** An act relating to approval of the adoption and the codification of the charter of the North Branch Fire District No. 1.

**H. 894.** An act relating to approval of amendments to the charter of the City of Montpelier and to merging the Montpelier Fire District No. 1 into the City of Montpelier.

And has passed the same in concurrence.

**Recess**

At twelve o'clock and six minutes in the afternoon, the Speaker declared a recess until one o'clock and fifteen minutes in the afternoon.

At one o'clock and fifteen minutes in the afternoon, the Speaker called the House to order.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence****S. 308**

Senate bill, entitled

An act relating to regulating precious metal dealers;

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence.

Thereupon, the bill was read the third time and passed in concurrence.

**Rules Suspended; Report of Committee of Conference Adopted****H. 699**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to temporary housing

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill, respectfully reported that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 2103 is amended to read:

§ 2103. ELIGIBILITY

\* \* \*

(f) An eligible participant for temporary housing shall not be required to furnish more than 30 percent of his or her income toward the cost of temporary housing. The Secretary of Human Services may adopt rules as necessary, pursuant to 3 V.S.A. chapter 25, to implement this subsection. On or before March 1, 2017, the Secretary of Human Services shall submit data to the Senate Committee on Health and Welfare and the House Committee on Human Services regarding the impact of this policy on the program and its participants.

---

**Sec. 2. EFFECTIVE DATES**

This act shall take effect on passage, except in Sec. 1, 33 V.S.A. § 2103, subsection (f) shall be repealed on July 1, 2018.

*VIRGINIA V. LYONS  
ANN E. CUMMINGS  
ANTHONY POLLINA*

*Committee on the part of the Senate*

*MICHAEL MROWICKI  
FRANCIS M. MCFAUN  
LYNN D. BATCHELOR*

*Committee on the part of the House*

Which was considered and adopted on the part of the House.

**Rules Suspended; Senate Proposal of Amendment  
to House Proposal of Amendment Concurred in**

**S. 28**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to gender-neutral nomenclature for the identification of parents on birth certificates

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate concurred with the House proposal of amendment with a further amendment thereto as follows:

By striking Sec. 5 (adoption; new birth certificate) in its entirety.

And by renumbering the remaining sections to be numerically correct.

Which proposal of amendment was considered and concurred in.

**Recess**

At one o'clock and thirty-seven minutes in the afternoon, the Speaker declared a recess until seven o'clock in the evening.

At seven o'clock and twenty minutes in the evening, the Speaker called the House to order.

**Message from Governor**

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighth day of May, 2014, he approved and signed a bill originating in the House of the following title:

**H. 112 An act relating to the labeling of food produced with genetic engineering**

**Message from the Senate No. 70**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 869.** An act relating to miscellaneous agricultural subjects.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 413.** An act relating to the Uniform Collateral Consequences of Conviction Act.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered House proposals of amendment to Senate proposals of amendment to House bills of the following titles:

**H. 578.** An act relating to administering State funds for loans to individuals for replacement of failed wastewater systems and potable water supplies.

**H. 646.** An act relating to unemployment insurance.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 184.** An act relating to eyewitness identification policy.

---

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 263.** An act relating to the authority of assistant judges in child support contempt proceedings.

And has concurred therein.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

**S. 314.** An act relating to miscellaneous amendments to laws related to motor vehicles.

And has accepted and adopted the same on its part.

Pursuant to the request of the House for Committees of Conference on the disagreeing votes of the two Houses on the following House bills the President announced the appointment as members of such Committees on the part of the Senate:

**H. 501.** An act relating to operating a motor vehicle under the influence of alcohol or drugs.

Senator Nitka  
Senator Sears  
Senator Benning.

**H. 790.** An act relating to Reach Up eligibility.

Senator Ayer  
Senator Nitka  
Senator Lyons.

**Rules Suspended; Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment Concurred in**

**H. 413**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the Uniform Collateral Consequences of Conviction Act  
Was taken up for immediate consideration.

The Senate concurred in the House proposal of amendment with further proposal of amendment as follows:

First: In Sec 4, 13 V.S.A. § 8004(a)(1)(B), by striking out “November 1, 2014” and inserting in lieu thereof January 1, 2016

Second: In Sec 4, 13 V.S.A. § 8004(a) (1)(C), by striking out “July 1” and inserting in lieu thereof January 1

Which proposal of amendment was considered and concurred in.

### **Rules Suspended; Senate Proposal of Amendment Concurred in**

#### **H. 695**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and Hosue bill, entitled

An act relating to establishing a product stewardship program for primary batteries

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 1, in 10 V.S.A. § 7581, by striking out subdivisions (10) and (11) in their entirety and inserting in lieu thereof the following to read as follows:

(10) “Primary battery” means a nonrechargeable battery weighing two kilograms or less, including alkaline, carbon-zinc, and lithium metal batteries. “Primary battery” shall not mean:

(A) batteries intended for industrial, business-to-business, warranty or maintenance services, or nonpersonal use;

(B) a battery that is sold in a computer, computer monitor, computer peripheral, printer, television, or device containing a cathode ray tube;

(C) a battery that is not easily removable or is not intended to be removed from a consumer product; and

(D) a battery that is sold or used in a medical device, as that term is defined in the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 321(h), as may be amended.

(11) “Primary battery producer” or “producer” means one of the following with regard to a primary battery that is sold or offered for sale in the State:

---

(A) a person who manufactures a primary battery and who sells or offers for sale that primary battery in the State under the person's own name or brand;

(B) if subdivision (A) of this subdivision (11) does not apply, a person who owns or licenses a trademark or brand under which a primary battery is sold or offered for sale whether or not the trademark is registered; or

(C) if subdivisions (A) and (B) of this subdivision (11) do not apply, a person who imports a primary battery into the State for sale.

and in subdivision (18)(B), before "medical device" by striking out "an implanted" and inserting in lieu thereof a

Second: In Sec. 1, in 10 V.S.A. § 7582, by striking out subsections (a) and (b) in their entirety and inserting in lieu thereof the following to read as follows:

(a) Sale prohibited. Except as set forth under subsections (b) and (c) of this section, beginning on January 1, 2016, a producer of a primary battery shall not sell, offer for sale, or deliver to a retailer for subsequent sale a primary battery unless:

(1) the producer or the primary battery stewardship organization in which the producer is participating is registered under an approved and implemented primary battery stewardship plan;

(2) the producer or primary battery stewardship organization has paid the fee under section 7594 of this title; and

(3) the name of the producer and the producer's brand are designated on the Agency website as covered by an approved primary battery stewardship plan.

and by relettering the remaining subsections to be alphabetically correct.

Third: In Sec. 1, in 10 V.S.A. § 7584, by striking out subdivision (b)(8) in its entirety and inserting in lieu thereof the following to read as follows:

(8) Performance goal; collection rate. A primary battery stewardship plan shall include a collection rate performance goal for the primary batteries subject to the plan. The collection rate includes the estimated total weight of primary batteries that will be sold or offered for sale in the State by the producer or the producers participating in the primary battery stewardship plan.

Fourth: In Sec. 1, in 10 V.S.A. § 7585, by striking out subsection (a) in its entirety and inserting in lieu thereof the following to read as follows:

(a) Annual report. On or before March 1, 2017, and annually thereafter, a producer or a primary battery stewardship organization shall submit a report to the Secretary that contains the following:

(1) the weight of primary batteries collected by the producer or the primary battery stewardship organization in the prior calendar year;

(2) the estimated percentage, by weight, of rechargeable batteries collected by the producer or the primary battery stewardship organization in the prior calendar year;

(3) the percentage of primary batteries collected in the prior calendar year that are from producers who are not participating in any approved stewardship plan, based on periodic sorting of primary batteries by the reporting producer;

(4) the collection rate achieved in the prior calendar year under the primary battery stewardship plan, including a report of the estimate total sales data by weight for primary batteries sold in the State for the previous three calendar years;

(5) the locations for all collection points set up by the primary battery producers covered by the primary battery stewardship plan and contact information for each location;

(6) examples and description of educational materials used to increase collection;

(7) the manner in which the collected primary batteries were managed;

(8) any material change to the primary battery stewardship plan approved by the Secretary pursuant to section 7586 of this title; and

(9) the cost of implementation of the primary battery stewardship plan, including the costs of collection, recycling, education, and outreach.

Fifth: In Sec. 1, in 10 V.S.A. § 7586, in subsection (f), in the last sentence, by striking out “7582(d)” where it appears and inserting in lieu thereof 7582(c)

Sixth: In Sec. 1, in 10 V.S.A. § 7589, in subdivision (a)(1), after “reimbursement from the following entities of” and before “costs per unit” by striking out “direct” and inserting in lieu thereof reimbursable

and by striking out subsection (c) in its entirety and inserting in lieu thereof the following:



(c) Reimbursable costs. Under this subchapter, reimbursement shall be allowed only for those costs incurred in collecting the batteries subject to the reimbursement request. Reimbursable costs include:

(1) costs of collection, transport, recycling, and other methods of disposition identified in a primary battery stewardship plan approved pursuant to section 7586 of this title; and

(2) reasonable educational, promotional, or administrative costs.

Seventh: In Sec. 1, in 10 V.S.A. § 7590, in subdivision (a)(1), after “organization that incurs reimbursable” and before “costs under section 7589” by striking out “direct”

and in subdivision (a)(3), after “the amount of reimbursement, and the” and before “costs assessed by each” by striking out “direct” and inserting in lieu thereof reimbursable

Eighth: In Sec. 1, in 10 V.S.A. § 7591, by striking out subsections (a)–(e) in their entirety and inserting in lieu thereof the following to read:

(a) Action against producer with no primary battery stewardship plan. A producer, a primary battery stewardship organization implementing an approved primary battery stewardship plan in compliance with the requirements of this chapter, a rechargeable battery steward, or a rechargeable battery stewardship organization may bring a civil action against another producer or primary battery stewardship organization for damages when:

(1) the plaintiff producer, primary battery stewardship organization, rechargeable battery steward, or rechargeable battery stewardship organization incurs more than \$1,000.00 in actual reimbursable costs collecting, handling, recycling, or properly disposing of primary batteries sold or offered for sale in the State by that other producer;

(2) the producer from whom damages are sought:

(A) can be identified as the producer of the collected primary batteries from a brand or marking on the discarded battery or from other information available to the plaintiff producer, primary battery stewardship organization, rechargeable battery steward, or rechargeable battery stewardship organization; and

(B) does not operate or participate in an approved primary battery stewardship organization in the State or is not otherwise in compliance with the requirements of this chapter.

(b) Action against producer with an approved primary battery stewardship plan. A producer, a primary battery stewardship organization in compliance with the requirements of this chapter, a rechargeable battery steward, or a rechargeable battery stewardship organization may bring a civil action for damages against a primary producer or primary battery stewardship organization in the State that is in compliance with the requirements of this chapter, provided that the conditions of subsection (d) of this section have been met.

(c) Action against rechargeable battery stewardship organization. A producer, a primary battery stewardship organization in compliance with the requirements of this chapter, a rechargeable battery steward, or a rechargeable battery stewardship organization may bring a civil action for damages against a rechargeable battery stewardship organization registered by the Secretary, provided that the conditions of subsection (d) of this section have been met.

(d) Condition precedent to cause of action. Except as authorized under subsection (a) of this section, a cause of action under this section shall be allowed only if:

(1) a plaintiff producer, primary battery stewardship organization, or rechargeable battery stewardship organization submitted a reimbursement request to another producer, primary battery stewardship organization, or rechargeable battery stewardship organization under subchapter 4 of this chapter; and

(2) the plaintiff producer, primary battery stewardship organization, or rechargeable battery stewardship organization does not receive reimbursement within:

(A) 90 days of the reimbursement request, if no independent audit is requested under subchapter 4 of this chapter; or

(B) 60 days after completion of an audit if an independent audit is requested under subchapter 4 of this chapter, and the audit confirms the validity of the reimbursement request.

And by relettering the remaining subsections to be alphabetically correct

And in the new subsection (g) (Damages; definition), after “means the actual,” and before “costs a plaintiff producer” by striking out “direct” and inserting in lieu thereof reimbursable

Which proposal of amendment was considered and concurred in.

**Message from the Senate No. 71**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 596.** An act relating to the conversion of assets of a nonprofit hospital.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

### **Consideration Interrupted by Recess**

#### **H. 552**

The Senate proposed to the House to amend House bill, entitled

An act relating to raising the Vermont minimum wage

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.15. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.60. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.00. Beginning January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.50, and, beginning January 1, 2007, 2019~~ and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than \$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate one-half the minimum wage. For the purposes of As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and

regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

\* \* \*

Sec. 2. 10 V.S.A. § 531 is amended to read:

§ 531. EMPLOYMENT TRAINING PROGRAM

\* \* \*

(c) The employer promises as a condition of the grant to:

(1) employ new persons at a wage which, at the completion of the training program, ~~is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the Secretary of Commerce and Community Development in which the Secretary finds that the rate of unemployment is 50 percent greater than the average for the State, the wage rate under this subsection may be set by the Secretary at a rate no less than one and one half times the federal or state minimum wage, whichever is greater~~ equals or exceeds the livable wage as defined in 2 V.S.A. § 505;

\* \* \*

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment?

**Recess**

At seven o'clock and fifty-seven minutes in the evening, the Speaker declared a recess until eight o'clock and thirty-five minutes in the evening.

At eight o'clock and forty minutes in the evening, the Speaker called the House to order.

**Consideration Resumed; Consideration Interrupted by Recess**

**H. 552**

Consideration resumed on House bill, entitled

An act relating to raising the Vermont minimum wage

Pending the recurring question, Shall the House concur in the Senate proposal of amendment? **Rep. Stevens of Waterbury** moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.25. Beginning January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.75. Beginning January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.10, and, beginning January 1, 2007, 2018~~ and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

\* \* \*

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2015.

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto as offered by Rep. Stevens of Waterbury? **Rep. Poirier of Barre City** moved to substitute an amendment for that offered by Rep. Stevens of Waterbury as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384 is amended to read:

§ 384. EMPLOYMENT; WAGES

(a) An employer shall not employ ~~an~~ any employee at a rate of less than ~~\$7.25, \$9.42. Beginning on January 1, 2016, an employer shall not employ any employee at a rate of less than \$10.10, and, beginning on~~ January 1, 2007, 2017 and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01. An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than ~~\$3.65 an hour, and beginning January 1, 2008, and on each January 1 thereafter, this basic tip wage rate shall be increased at the same percentage rate as the minimum wage rate~~ one-half the minimum wage. ~~For the purposes of~~ As used in this subsection, "a service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service. If the minimum wage rate established by the ~~United States~~ U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the ~~United States~~ U.S. government.

\* \* \*

Sec. 2. MINIMUM WAGE BENEFIT REPORT

On or before December 15, 2014, the Agency of Human Services, the Agency of Commerce and Community Development, and the Department of Labor shall submit a report to the House Committee on Commerce and Economic Development, the House Committee on Human Services, the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the Senate Committee on Health and Welfare detailing:

(1) the impact that a minimum wage rate of \$10.10 will have on low-wage workers, especially a low-wage worker who is a single parent with one child;

(2) how to adjust government subsidy programs to provide a slope for low-wage workers who are single parents to reflect the government subsidies received by low-wage workers who are single with no children; and

(3) the effect that an hourly wage rate of \$10.10 will have on any programs linked to the minimum wage.

### Sec. 3. EFFECTIVE DATES

(a) This section and Sec. 2 shall take effect on passage.

(b) Sec. 1 shall take effect on January 1, 2015.

Pending the question, Shall the amendment offered by Rep. Poirier of Barre City be substituted for the amendment offered by Rep. O'Sullivan of Burlington? **Rep. Walz of Barre City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment offered by Rep. Poirier of Barre City be substituted for the amendment offered by Rep. O'Sullivan of Burlington? was decided in the negative. Yeas, 36. Nays, 91.

Those who voted in the affirmative are:

Burke of Brattleboro	Martin of Wolcott	Till of Jericho
Christie of Hartford	McCarthy of St. Albans City	Toleno of Brattleboro
Clarkson of Woodstock	McCormack of Burlington	Townsend of South
Cole of Burlington	McCullough of Williston	Burlington
Connor of Fairfield	McFaun of Barre Town	Vowinkel of Hartford
Davis of Washington	Michelsen of Hardwick	Walz of Barre City
Fay of St. Johnsbury	Pearson of Burlington	Weed of Enosburgh
Frank of Underhill	Poirier of Barre City	Wizowaty of Burlington
Gallivan of Chittenden	Rachelson of Burlington	Woodward of Johnson
Haas of Rochester	Ram of Burlington	Yantachka of Charlotte
Hooper of Montpelier	Ryerson of Randolph	Zagar of Barnard
Krowinski of Burlington	Sharpe of Bristol	
Macaig of Williston	Spengler of Colchester	

Those who voted in the negative are:

Ancel of Calais	Brennan of Colchester	Consejo of Sheldon
Bartholomew of Hartland	Browning of Arlington	Copeland-Hanzas of
Batchelor of Derby	Burditt of West Rutland	Bradford
Beyor of Highgate	Campion of Bennington	Corcoran of Bennington
Bissonnette of Winooski	Canfield of Fair Haven	Cupoli of Rutland City
Botzow of Pownal	Carr of Brandon	Dakin of Chester
Bouchard of Colchester	Conquest of Newbury	Deen of Westminster

Devereux of Mount Holly	Juskiewicz of Cambridge	O'Brien of Richmond
Dickinson of St. Albans Town	Keenan of St. Albans City	Partridge of Windham
Donahue of Northfield	Kilmartin of Newport City	Pearce of Richford
Donovan of Burlington	Kitzmiller of Montpelier	Peltz of Woodbury
Ellis of Waterbury	Klein of East Montpelier *	Potter of Clarendon
Emmons of Springfield	Koch of Barre Town	Pugh of South Burlington
Feltus of Lyndon	Komline of Dorset	Quimby of Concord
Fisher of Lincoln	Lanpher of Vergennes	Russell of Rutland City
French of Randolph	Larocque of Barnet	Savage of Swanton
Gage of Rutland City	Lawrence of Lyndon	Scheuermann of Stowe
Goodwin of Weston	Lenes of Shelburne	Shaw of Pittsford
Grad of Moretown	Lewis of Berlin	Stevens of Waterbury
Greshin of Warren	Lippert of Hinesburg	Stevens of Shoreham
Head of South Burlington	Malcolm of Pawlet	Strong of Albany
Heath of Westford	Manwaring of Wilmington	Sweaney of Windsor
Hebert of Vernon	Marcotte of Coventry	Terenzini of Rutland Town
Higley of Lowell	Marek of Newfane	Trieber of Rockingham
Hubert of Milton	Masland of Thetford	Turner of Milton
Huntley of Cavendish	Miller of Shaftsbury	Van Wyck of Ferrisburgh
Jerman of Essex	Moran of Wardsboro	Waite-Simpson of Essex
Jewett of Ripton	Morrissey of Bennington	Webb of Shelburne
Johnson of South Hero	Mrowicki of Putney	Wilson of Manchester
Johnson of Canaan	Myers of Essex	Wright of Burlington
	Nuovo of Middlebury	Young of Glover

Those members absent with leave of the House and not voting are:

Branagan of Georgia	Hoyt of Norwich	Ralston of Middlebury
Buxton of Tunbridge	Krebs of South Hero	Shaw of Derby
Condon of Colchester	Kupersmith of South Burlington	Smith of New Haven
Cross of Winooski	Martin of Springfield	South of St. Johnsbury
Donaghy of Poultney	Mitchell of Fairfax	Stuart of Brattleboro
Evans of Essex	Mook of Bennington	Toll of Danville
Fagan of Rutland City	O'Sullivan of Burlington	Winters of Williamstown
Helm of Fair Haven		

**Rep. Klein of East Montpelier** explained his vote as follows:

“Mr. Speaker:

I vote no reluctantly. We are playing with people’s lives. We toss numbers around like they were dice on the craps table. But because it is about real people I must side with take what we can get. I apologize, I have no better answer.”

### Recess

At ten o'clock and four minutes in the evening, the Speaker declared a recess until ten o'clock and twenty minutes in the evening.



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At ten o'clock and forty minutes in the evening, the Speaker called the House to order.

**Consideration Resumed; Consideration Interrupted by Adjournment**

**H. 552**

Consideration resumed on House bill, entitled

An act relating to raising the Vermont minimum wage

Pending the question, Shall the House concur in the Senate proposal of amendment with a further amendment thereto? **Rep. Turner of Milton** raised a Point of Order that this proposal of amendment was in violation of House Rule 33 in that the correct version had not appeared in the Calendar, which Point of Order the Speaker ruled well taken.

Thereupon, the bill was ordered placed on the Notice Calendar.

**Action on Bill Postponed**

**H. 645**

House bill, entitled

An act relating to workers' compensation

Was taken up and pending the House concur in the Senate proposal of amendment?, on motion of **Rep. Bouchard of Colchester**, action on the bill was postponed until the next legislative day.

**Adjournment**

At ten o'clock and fifty-three minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at ten o'clock in the forenoon.